

Ct. 05
Item No.7
16.03.2022

BM

WPA 14252 of 2021

[Via Video Conference]

Kenaram Mallick
Vs.
The State of West Bengal & Ors.

Mr. P. S. Deb Barman
Mr. S. Alam
Mr. M. N. Chowdhury
Mr. M. A. Salik

... for the petitioner

Mr. Swapan Kumar Dutta
Mr. Rajat Dutta

... for the State

Mr. Tapas Kumar Majumder
Mr. Partha Pratim Bhattacharjee

... for the respondent no.4

The petitioner prays for cancelling the panel for recruitment to various posts advertised by the concerned College on 5th July, 2021. The reason for seeking such cancellation is that an earlier advertisement for filling up of posts was cancelled by the College before the petitioner could apply for the posts in question and the petitioner was not given a chance to apply before the earlier advertisement was cancelled.

According to the learned counsel appearing for the College the earlier advertisement was cancelled pursuant to the direction of the court.

Learned counsel appearing for the State points out to the inconsistent prayers made in the writ petition.

Upon hearing the learned counsel, it appears that the earlier advertisement was cancelled pursuant to a submission made by the learned counsel appearing for the College before a learned Single Judge as recorded in order dated 19th September, 2018. The stand of the College would also be evident from an order passed by the Division Bench dated 11th July, 2019 which records that the College was free to re-advertise the vacancy and to conduct recruitment in accordance with the rules if the College so wishes. Hence, the submission made on behalf of the College is factually not correct. The earlier advertisement was withdrawn by reason of the specific submission made that the advertisement contained errors and hence the College should be permitted to withdraw the said advertisement.

It is, however, doubtful whether the petitioner can claim any right in terms of impugned advertisement since the advertisement gave an opportunity to candidates who had applied against the earlier advertisement to apply afresh and also to

collect refund of the application fees from the College. The said advertisement was published in Bartaman as well as Telegraph Newspaper on various dates and also published in the Website of the College.

The petitioner evidently having applied within the specified time now cannot come to the court to seek cancellation of the said advertisement.

It is also clear from the prayers that prayers in the writ petition for cancellation of the advertisement cannot be granted when the petitioner has not shown any diligence in applying for the post in question and particularly when the petitioner was not excluded from such application.

WPA 14252 of 2021 is dismissed for want of merit.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Moushumi Bhattacharya, J.)