

MAT 1045 of 2022
With
IA. No. CAN 1 of 2022

Dr. Sujit Karmakar & Ors.
vs.
Union of India & Ors.

Mr. Sourav Prasanna Mukherjee

....for the appellants

Ms. Rajashree Venket Kundalia

....for the respondent

Party/Parties is/are represented in the order of their name/names as printed above in the cause-title.

Mr. Mukherjee, learned Counsel appears for the appellants and challenges the judgment and order of the Hon'ble Single Bench dated 29th June, 2022 in the writ petition being WPA11572 of 2022. The appellants claim to be candidates for the posts of Associate Professors at the National Institute of Technology, Durgapur (for short NIT, Durgapur).

The appellants allege that the short-listed criteria fixed for screening candidates to the posts of Associate Professors has been wrongly settled by an Advisory Committee of Faculty Recruitment (ACoFAR) in place and in stead of the Department itself. It is submitted that such short-listed criteria which does

not derive any basis from the Recruitment Advertisement, cannot be relied upon by the Recruiting Authority, that is the NIT, Durgapur, to conduct the selection exercise for its faculty in the posts of Associate Professors.

Ms. Kundalia, learned Counsel appearing for the NIT, Durgapur straightaway draws the attention of this Court to page 64 of the Supplementary Affidavit marked as Annexure P/7, which is a demand for justice authored by the learned Advocate for the appellants, who is also presently appearing today for the appellants. It is submitted from the records that the appellants did not apply against the Recruitment Advertisement dated 21st June, 2019, the last date being fixed on 19th July, 2019.

On the contrary, the appellants ventilated their grievances connected to the recruitment through learned Advocate's letter (*supra*) dated 15th June, 2022, that is nearly after expiry of three years of the last date for receipt of applications under the advertisement.

After hearing the parties and closely considering the materials placed, this Court is persuaded to agree with learned Counsel for the NIT, Durgapur that the appellants have been unable to demonstrate any

nexus with the Recruitment Advertisement which can give them a *locus* to file this appeal. In the absence of such nexus as is revealed from the fact that the appellants are not applicants for the posts under the advertisement, this appeal is not maintainable.

Accordingly, **MAT 1045 of 2022** and **CAN 1 of 2022** stand **dismissed as not maintainable**.

Since other allegations have not been discussed by inviting Affidavits, all other allegations are deemed to be denied and disputed.

Notice of service filed in Court today be retained with the records.

All parties to act on a server copy of this order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Lapita Banerji, J.)

(Subrata Talukdar, J)