

01.08.2022.
Item No.26.
Court No.21
Saswata

W.P.A. 15597 of 2022
Sanjit Pal
Versus
State of West Bengal & Ors.

Ms. Reshmi Ghosh
Mr. Soumya Sankar Chini
...For the petitioner.

Mr. Swapan Kumar Dutta, AGP
Mr. Rajat Dutta
...For the State

Mr. Amitabrata Roy
Mr. Pradip Kumar Ghosh
... For Dimond Harbour Women's University

Mr. Soumya Majumder
Mr. Ranit Roy
... for the respondent no. 6

The petitioner seeks to challenge the appointment of respondent no. 6 to the post of Assistant Professor in Political Science in Diamond Harbour Women's University. Initially, it was submitted by the learned advocate for the petitioner that since the post was reserved for an OBC-B candidate, respondent no.6 could not apply for the same, being an OBC-A candidate. The hearing of the case was adjourned on July 22, 2022, to enable respondent no. 6 to produce his caste certificate. Today a copy of the caste certificate of respondent no.6 was made over to the Court. It appears that respondent no.6 belongs to OBC-B category.

Therefore, there is no substance in the argument advanced by the learned advocate for

the petitioner that respondent no.6 could not apply for the post in question.

It has been further submitted by the petitioner that he was not awarded any marks for his Ph.D qualification by the selection committee.

The circular of the University Grants Commission dated 18.07.2018 provides, inter alia, for qualification of an Associate Professor.

The relevant part of the said circular is quoted below:

“ 3.10. The Ph.D Degree shall be mandatory qualification for direct recruitment to the post of Assistant Professor in Universities with effect from 01.07.2021.

....

II. Associate Professor:

Eligibility:

- i) *A good academic record, with a Ph.D Degree in the concerned/allied/relevant disciplines.*
- ii) *A Master's Degree with at least 55% marks (or an equivalent grade in a point-scale, wherever the grading system is followed).*
- iii) *A minimum of eight years of experience of teaching and/or research in an academic/research position equivalent to that of Assistant Professor in a University, College or Accredited Research Institution/Industry with*

a minimum of seven publications in the peer-reviewed or UGC-listed journals and a total research score of Seventy five (75) as per the criteria in Appendix II, Table 2.”

The University has produced the relevant records pertaining to the selection in question.

It appears from the records produced by the University that the advertisement for the relevant post was initially published on 02.11.2018 and, thereafter, again on 05.09.2020. The present recruitment was made following the second advertisement. A selection should be made on the basis of the rules which were in force at the time of initiation of selection process. The selection process in this case was initiated on September 5, 2020, when the second advertisement was published. The above quoted U.G.C circular dated July 18, 2018, suggests that the Ph.D degree has been made a mandatory qualification for the post in question only with effect from July 1, 2021. Therefore, when the present selection process commenced, the Ph.D degree was not an essential qualification for the post in question and as such no fault can be found with the selection

committee for not awarding any marks in favour of the petitioner for his Ph.D degree.

Lastly, it is argued by the learned advocate for the petitioner that in the interview, the petitioner was given only 9 marks whereas, respondent no. 6 was awarded 20 marks.

The performance of a candidate on the date of an interview cannot be ascertained by this Court and, therefore, unless a palpable malafide or arbitrariness of the selection committee is demonstrated, no interference can be made with selection.

Mr. Majumder appearing for respondent no. 6 has made over a comparative chart of academic records of the petitioner and respondent no. 6. From the chart, it is apparent that the performance of respondent no. 6 was better than the petitioner in all relevant examinations.

The relevant Regulation of the University itself suggests that academic performance of the candidates should be taken into consideration for the purpose of short listing and the ultimate selection shall be made on the basis of the performance in the interview only. From the scoresheet of the respective candidates, I find no deviation from the said rules by the University.

As a consequence, the challenge fails and the writ petition being W.P.A. 15597 of 2022 is dismissed.

Let a copy of the scoresheet and documents pertaining to the selection filed by the University be kept with the records.

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

(Kausik Chanda, J.)