

01.
29.8.2022
S.D.

W.P.A. 15140 of 2008

Sadhana Roy
Vs.
The West Bengal College Service Commission & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Ms. Tanuja Basak

...For the petitioner.

Mr. Pulok Ranjan Mondal
Ms. Bandana Mondal
Mr. Subhrangsu Panda

....For the W.B.C.S.C.

Mr. Swapan Kumar Datta, Sr,Adv. & AGP,
Mr. Dipankar Das Gupta

....For the State.

It is not in dispute that the petitioner was an honours graduate in Geography and thereafter she acquired master's degree in Anthropology. The petitioner appeared in the selection process for the post of Assistant Professor in Anthropology conducted by the College Service Commission in the year 2008 and she was recommended by the College Service Commission. The appointing authority being the Governing Body of the relevant college subsequently found that the appointment of the petitioner was a result of misrepresentation by the petitioner. In the form, she described

herself as an honours graduate in Anthropology whereas she had a Geography honours degree.

Accordingly, the Governing Body in consultation with the State cancelled the appointment of the petitioner.

Mr. Mansur Ali, learned advocate for the petitioner being led by Mr. Ekramul Bari, learned advocate submits that Secretary of University Grant Commission by letter dated January 20, 2009, stated that the petitioner was an eligible candidate to be appointed as Assistant Teacher in Anthropology.

At relevant point of time, the qualification prescribed by the State for the post of Assistant Professor in Anthropology was as follows:-

Qualification

(A) General: (i) Consistently good academic record with at least 55% marks (without any sort of grace or rounding off) or an equivalent grade in the Master's Degree with at least & 2nd Class 3 year Honours Degree in the relevant subject.

Relaxation: A relaxation of 5% from 55% of the marks at Master's Degree level is admissible to:

- (a) Candidates belonging to SC/ST/PH/VH category.
- (b) Candidates qualified in the JRF Examination conducted by the UGC/CSIR only prior to 1989. (NET) or UGC accredited State Level Eligibility Test (SLET) conducted by WBCSC.
- (ii) Must have qualified the Eligibility Test for JRF/Lectureship conducted by UGC/CSIR (NET) or UGC accredited State Level Eligibility Test (SLET) conducted by WBCSC.

However, candidates who have awarded M.Phil/Ph.D.Degree are exempted from appearing in the NET/SLET.

- (iii) Good Power of expression in Bengali/Nepali
- (B) For B.Ed. Colleges and B.Ed. Departments in General Degree Colleges the candidates would have to possess the following qualifications: M.Ed./M.A. (Education) with 55% marks or Master's Degree with 55% marks in relevant school subject and M.Ed./M.A. (Education) with 50% marks.
- (C) For Existing Teachers/Librarians/Assistant Librarians
 - (i) Who are in service as Lecturer on permanent basis in the UGC Scale of Pay prior to 19.09.1991 being appointed by the duly constituted Selection Committee, the above qualifications are not treated as essential.
 - (ii) Who are in service as Lecturer on or after 19.09.1991 the qualifications mentioned in (A)(i) above are applicable along with a stipulation that the candidate must have rendered at least 5 years continuous service in any affiliated College/University in the State on the last date of submission of Application Form.

It was clarified that for the post of Assistant Professor in Anthropology, master's degree and honours degree in the same subject were not essential. For the subject of Anthropology, graduation degree in Anthropology/Botany/Zoology/Physiology was considered to be a requisite degree.

Mr. Mondal, learned advocate appearing for the College Service Commission submits that the rules prescribed by the State were only followed by the College Service Commission.

A bare reading of the qualification prescribed for the post of Assistant Professor in Anthropology shows that the same was irrational and arbitrary. When a graduation degree in Botany, Zoology or Physiology had been treated as a relevant subject to the post of Assistant Professor in Anthropology, the exclusion of other graduation degrees was without any rational basis. The petitioner, however, did not challenge the said recruitment rule. Her appointment was on the basis of her incorrect declaration with regard to the graduation degree. Therefore, I am not inclined to entertain this writ petition.

It has been submitted by Mr. Mondal that State has subsequently revised the qualification for appointment of Assistant Professor in Anthropology. As per the present recruitment rules, a graduate in any stream having a master's degree in Anthropology can appear for the post of Assistant Professor in Anthropology. It is a matter of relief that the State has carried out the necessary amendment in the recruitment rules. Despite being sympathetic to the

petitioner, I am not inclined to grant any relief to her as she was not eligible to be appointed as per the recruitment rules that were applicable to her.

Accordingly, W.P.A. 15140 of 2008 is dismissed.

All parties shall act upon the server copy of this order duly downloaded from the official *website* of this Court.

(Kausik Chanda, J.)