

02 16.9.2022
Sc Ct. no.22

WPA 18577 OF 2022

Dr. Mohammadi Tarannum

Vs.

The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Mr. Pratik Majumder
Ms. Mayuri Ghosh.

....For the Petitioner

Mr. Swapan Kr. Datta
Mr. Pradyot Kr. Das.

....For the State

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

....For the WBCSC

Mr. A. K. Gupta

....For the UGC

The writ petitioners claims to have worked as '**Contractual Whole-Time Lecturer**' since 2006 till 2007 at **South Calcutta Law College**. The petitioner had then qualified **Doctor of Philosophy (Ph.D.) in Law**. The petitioner then joined **Surendra Nath Law College** (*hereafter the 'Law College'*) as a Whole-Time Lecturer on September 17, 2007. Pursuant to the direction made by the Governing Body of the Law College, the petitioner took charge as the Teacher-in-Charge of the said Law College and performed her duty as such till April 12, 2018. Presently the petitioner is performing the duties as a **Vice Principal of the Surendra Nath Law College**. The employment of the petitioner was approved as a

Contractual Whole-Time teacher by the Government Memoranda dated August 26, 2011 and September 8, 2011 w.e.f. January, 2010. On December 30, 2013 the petitioner was released from the post of Contractual Whole-Time Lecturer of the said Law College and joined as an Assistant Professor in Law Department at the same Law College. The Administrator of the Law College recommended for consideration of her past service career and Governing Body of the said Law College also recommended for consideration of her past service career.

The petitioner then applied online through the official website of the West Bengal College Service Commission to become a Principal of any law college within the State. The essential qualifications required for the post for Principal were not to be less than a qualification prescribed by the UGC for Associate Professor and Professor as the case may be.

Mr. Biswaroop Bhattacharya, learned counsel appearing for the petitioner being ably assisted by Mr. Pratik Majumder, learned counsel submitted that, the petitioner was eligible for the said post of Principal with all the qualifications those were required to become a Principal, if her past experience would be taken into account. Pursuant to the terms and conditions for appointment for the post of Principal also such past qualifications were allowed to be taken into account.

The petitioner in view of the above, submitted a representation dated August 1, 2022 before the respondent no.2. The said representation had not received any consideration. Being aggrieved, the petitioner filed this writ petition.

Mr. Pulak Ranjan Mondal, learned counsel appearing for the respondent no.3 submitted that, from a plain reading of the averment made in the writ petition and the reliefs claimed thereunder, it is *ex facie* clear that, the writ petition is a premature one. He submitted that, the relevant College Service Commission is still under the process of scrutiny of the applications submitted by the intending candidates to become a Principal of a Law College within the State. The scrutiny is being under process on the basis of such applications. No decision has yet been taken by the College Service Commission on the issue. Hence, he submitted that the writ petition is wholly misconceived and should be dismissed *in limine* .

Mr. Swapan Kr. Datta, learned senior counsel appearing for the State submitted that, the representation appearing as ***Annexure-P22*** to the writ petition is incomplete as the petitioner had not submitted all the necessary and supporting documents and records to be considered by the respondent no.2.

Considering the rival contentions of the appearing parties and considering the materials on record and also

after going through the averments made in the writ petition and the reliefs claimed thereunder, it appears to this Court that, save and except asking for consideration of the representation, **Annexure-P22** to the writ petition basically the petitioner had not built up any case or reliefs to be claimed at this stage. Inasmuch as from the submissions of Mr. Pulak Ranjan Mondal, learned counsel for the third respondent it appears that, the College Service Commission is still in the process of scrutinising the applications submitted by the intending candidates and no further step had arrived at arising out of the relevant selection process.

In view of the above, this court is of the considered opinion that, since the representation dated August 1, 2022, **Annexure-P22** to the writ petition is pending before the second respondent, the petitioner has a right to know the fate of her representation. Accordingly, justice would be subserved if the said representation of the petitioner dated August 1, 2022, **Annexure-P22** to the writ petition is directed to be considered by the respondent no.2 forthwith considering the fact that the selection process is already on-going and the respondent no.2 shall come to a reasonable conclusion thereupon with a reasoned decision/order after giving an opportunity of hearing to the petitioner.

The respondent no.2 is accordingly directed to consider the representation dated August 1, 2022,

Annexure-P22 to the writ petition upon intimating the petitioner the time and place where the hearing should be given and after giving the petitioner an opportunity of hearing on the issue.

The petitioner will be at liberty to furnish all the necessary records/documents/papers before the respondent no.2 as per his requirement and such list of requirement along with time and venue of hearing must reach to the petitioner by September 19, 2022 positively by 4-00 P.M.

By today 4-00 P.M. the petitioner in writing shall communicate her E-mail ID to the second respondent so that the respondent no.2 can communicate whatever he is required to communicate to the petitioner about the hearing notice and the requisition of documents through her e-mail.

The petitioner shall also be at liberty to collect the written communication in physical form from the office of the second respondent by 4-00P.M. On September 19, 2022.

On September 22, 2022 the respondent no.2 shall hear the petitioner and come to his reasonable decision/order on the issue, in accordance with law. The second respondent then intimate his reasoned decision/order to the petitioner positively by September 23, 2022.

It is made clear that this Court has not gone into the merits of the claim of the writ petitioner in any manner and the petitioner shall be at liberty to urge all points and rely upon all documents whatever she wants to urge or rely upon before the second respondent.

Sine no affidavits are called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition, **WPA 18577 of 2022** stands disposed of, without any order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official website of this Hon'ble High Court.

The learned counsel for the parties will be at liberty to communicate the gist of this order to all their respective clients without even waiting for the server copy of this order.

(Aniruddha Roy, J.)