

30.11.2022
Item No. 3
Ct. No. 238
AKG

WPA 20473 of 2019

**Jayanta Kumar Medya
Versus
State of West Bengal & Ors.**

Mr. Ekramul Bari,
Ms. Tanuja Basak

...for the Petitioner

Mr. Pulak Ranjan Mondal,
Mrs. Bandana Mondal,
Mr. Subhrangsu Panda

...for W.B. College Service Commission

Petitioner claims his appointment as an Assistant Professor in Physical Education under the Unreserved Category. It is not in dispute that his rank was 10 (ten) in the panel. The number of vacancy notified for the said recruitment year was 6 (six) for the said subject. One Tirtha Mondal, who could not figure in the panel, approached this Court seeking his appointment as Assistant Professor in the same subject and an interim order was passed on March 10, 2014, on his petition directing the respondent College Service Commission not to fill-up one post. The writ petition was ultimately disposed of by a learned Single Judge of this Court on June 10, 2014 with the following directions:-

“Accordingly, this Court is of the view that the action of the West Bengal College Service Commission is totally illegal, unfair and mala fide and the West Bengal College Service Commission is directed to take immediate steps

for holding interview issuing appropriate call letter to the writ petitioner and complete the selection process at the earliest possible. Till such selection is made the post which was directed to be kept vacant should not be filled up.”

An appeal was carried out by the College Service Commission. The Appeal Court overturned the order of the learned Single Judge by allowing the appeal on August 9, 2019.

Petitioner, in this case, filed this writ petition in the year 2019 after the order of the Appeal Court.

It is the submission of the petitioner that it cannot be said that the life of the panel has expired. According to the petitioner, the life of the panel did not expire till the appeal was disposed of and the petitioner approached this Court immediately after the order of the Appeal Court. Therefore, the petitioner has a right to be considered against the post, which was kept vacant following the order of the learned Single Judge.

The said interim order expired when the final order was passed and ultimately, the Appeal Court dismissed the writ petition. At no point of time, due to the orders passed in this writ petition, any right accrued in favour of the petitioner since the interim order of injunction cannot be extended to the petitioner

not being a party in the proceeding. The panel was also not kept alive by any of the orders of this Court.

It has been submitted on behalf of the College Service Commission that the petitioner, subsequently, in the year 2015 and 2018 participated in the selection process conducted by the College Service Commission for the same subject, but he was not successful.

Be that as it may, I do not see that the petitioner had any right to enforce as against the panel prepared in the year 2012 by filing a writ petition in the year 2019

With the aforesaid observations, WPA 20473 of 2019 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)