

17.06.2022
Item No. 3
Ct. No. 40
AKG

W.P.A. 22310 of 2019
Dr. Amit Mandal
Vs.
State of West Bengal & Ors.

Mr. Samim Ahmed,
Mr. Subhasis Chakraborty,
Ms. Sushmita Kumari Singh,
Mr. Amit Chowdhury
...For the Petitioner

Mr. Moniruzzaman,
Mr. Dipika Basu
...For the Private Respondent No. 6

Mr. Amitava Chaudhuri,
Mrs. M. Chaudhuri,
Mr. N. Roy
...For the College
Mr. Swapan Kumar Dutta,
Mr. Pradyot Kr. Das
...For the State

The petitioner challenges the appointment of respondent no.6 to the post of Assistant Professor in Aquaculture Department under West Bengal University of Animal & Fishery Sciences, Kolkata.

Mr. Samim Ahmed, learned advocate appearing for the petitioner, attacks the selection primarily on the ground that the relevant advertisement stipulated that the age of the prospective candidates should not be above 35 years which could be relaxed upto 10 years for an exceptionally qualified and experienced candidate. He submits that on the date of interview, the petitioner was aged about 28 years, whereas

respondent no.6 was about 40 years old. He argues that there was no justification on the part of the selection committee to relax the age bar for respondent no.6 since he could not be considered to be an exceptionally qualified and experienced candidate.

Mr. Ahmed submits that the petitioner has a Ph.D. degree in the relevant subject, while the Ph.D. degree of the private respondent was not related to the post in question.

Mr. Moniruzzaman, learned advocate for respondent no.6 on the other hand has placed a chart of ‘comparative credentials of two applicants at the time of Interview’ before this Court which is reproduced below:-

Comparative credentials of two applicants at the time of Interview

Name of the Examination Passed	Dr Surya Kanta Sau			Dr Amit Mandal		
	Name of the Board/ University	Year Passed	% of Marks	Name of the Board/ University	Year passed	% of Marks
Madhyamik	WBBSE	1995	78.60*	WBBSE	2005	
Higher Secondary (10+2)	WBCHSE	1997	75.90*	WBCHSE	2007	70.00%
Bachelor of Fishery Sciences (B.F.Sc.) – four years	WBUAFS, Kolkata	2001	81.25*	WBUAFS, Kolkata	2011	73.21%
Master of Fishery Sciences (M.F. Sc.)	CIFE, Mumbai	2003	86.30* (Distinction)	WBUAFS, Kolkata	2003	84.80*
National Eligibility Test (NET)	ASRB, New Delhi	2012	Qualified	ASRB, New Delhi	2015	Qualified
Doctor of Philosophy (Ph.D.)	Vidyasagar University, W.B.	2016		WBUAFS, Kolkata	2017	

It is not in dispute that when the petitioner applied for the post, he was aged about 28 years

with two years of experience while respondent no.6 at that relevant point of time was a State Government officer in a relevant field with 14 years of experience.

Mr. Amitava Chaudhuri, learned advocate appearing for the College submits that respondent no. 6 was over-qualified for the post in question. The screening committee having regard to his qualification and experience in terms of the age limit clause in the advertisement, relaxed his age bar as an exceptionally qualified and experienced candidate.

As far as the doctorate degrees of the said two candidates are concerned, it has to be noticed that the advertisement did not mention the said qualification as an essential one. Respondent no.6 obtained a doctorate degree in “Aquaculture, Management Technology” from the Vidyasagar University, whereas the petitioner had Ph.D. degree from the West Bengal University of Animal & Fishery Sciences in “Aquaculture”. The Ph.D. degree in “Aquaculture, Management and Technology” cannot be said to be an irrelevant subject to the post of Assistant Professor in Aquaculture.

There is no doubt that respondent no.6 was not only more experienced in the relevant field at

the time of interview, but his scores in academics were higher than the petitioner.

The experience in the relevant field is no doubt a relevant consideration for relaxation of the age bar in the selection process. The committee was authorised to do so in terms of the advertisement.

At the instance of the petitioner, who was less experienced and also did not perform better than respondent no.6 in academics, I am not inclined to sit in appeal over the discretion exercised by the selection committee in relaxing the age bar of respondent no.6.

Accordingly, W.P.A. 22310 of 2019 is dismissed.

Let urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all necessary formalities.

(Kausik Chanda, J.)