

07 19.9.2022
Sc Ct. no.22

WPA 27388 OF 2014

Shampa Pan (Samanta)

Vs.

The State of West Bengal & Ors.

Mr. Pratip Kr. Chatterjee

Ms. Priyanka Saha

....For the Petitioner

Ms. Priyanka Dutta

....For the Respondent

No. 4

Mr. Asimes Goswami

Ms. Paulomi Banerjee.

....For the Respondent

No. 5

This writ petition pertains to a selection process which had commenced in the year 2011 pursuant to a public notice published in “**Ganasakti**” on January 12, 2011 for the post of “**Laboratory Attendant**” at **Champadanga Rabindra Mahavidyalaya** (for short ‘the College’).

The interview in terms of such publication made in 2011 was deferred from time to time and ultimately the interview was held in 2014.

The petitioner alleged that the candidates who were selected in the said selection process were called on over telephone and without causing any public notice, which ought to have been done following due process of law. No merit list was published.

The petitioner further alleged that the candidates were selected on a pick and choose method and were the chosen persons of the College authority. This illegal, wrongful and arbitrary selection process deprived the legitimate candidates from receiving employment and the petitioner was one such legitimate candidate.

Mr. Asimes Goswami, learned counsel appears for the respondent no. 5, a successful candidate, who is working after being selected.

Mr. Pratip Kr. Chatterjee, learned counsel appearing for the writ petitioner submitted that, a gross *mala fide* was practised in the selection process and the College authority in arbitrary and wrongful exercise of their discretion filled up the posts. The petitioner having had all the criteria was not selected and the persons, who were not eligible for such selection, were selected. He also submitted that the appointment of the respondent no.5 was not approved by the appropriate authority, even then, she has been appointed.

After hearing learned counsel appearing for the petitioner and on perusal of the materials on record, it appears that the selection process was initiated in 2011 and was closed on 2014.

The allegations made by the petitioner, as recorded above, were also not supported by cogent material in the writ petition. In any event, it is the settled law that the selection process and the appointment thereunder is the

discretion of the appointing authority, of course, following the rules and procedures and the terms and conditions under which the selection process was conducted. Unless there is a glaring and *ex facie* violation of any such rules, regulations or terms and conditions of the appointment, the Court should not interfere with it. Moreover, the relevant panel and/or the said selection process had been set in motion for last eight years.

On the overall assessment of the materials before this Court in this writ petition and considering the limited jurisdiction of this Court while exercising its high prerogative writ jurisdiction over a selection process, this Court finds that there is no material for which a selection process which had commenced in 2011 and concluded in 2014, should be interfered with.

This Court is also of the considered view that, there was no arbitrary exercise of discretion by the College authority in conducting the said selection process.

In view of the above reasons and discussions, this writ petition, **WPA 27388 of 2014** stands dismissed as the same is devoid of any merit, however, without any order as to costs.

Interim order, if any stands vacated.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)