

14.7.2023

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WPA 703 of 2017

Ms. Arpita Ghosh
Vs.
The State of West Bengal & Ors.

Mr. Rajat Dutta
... For the petitioner.

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

Mr. Sarwar Jahan
Mr. Midul Islam Kayal
... For respondent no. 5.

Though the petitioner suggests that he has been harassed by the act of the College Service Commission, it cannot be said that any prejudice has been suffered by the petitioner.

Therefore, I dismiss the writ petition.

The College Service Commission published an advertisement in the year 2015 inviting applications for the post of Assistant Professors in different subjects. The relevant part of the said advertisement is quoted below:

“Vacancy: *The vacancy calculation shall be done in accordance with the terms laid down in the West Bengal College Service Commission (Manner of Selection of Persons for Appointment to the posts of Assistant Professors, Principals and Librarians and Re-recommendation of Assistant*

Professor) Regulations, 2012. The vacancy cut-off date and the exact number of all vacancies (subject-wise, category-wise and College-wise) will be notified before publication of the merit panel. The Commission will not be responsible for absence of vacancy under any category of any subject for non-receipt of requisition from any Govt.-aided college.”

Since the subject, Human Rights and Bio-Chemistry were not included in the said advertisement, subsequently, the College Service Commission issued an addendum to the said advertisement dated December 09, 2015. The petitioner, accordingly, applied for the subject, Human Rights.

The affidavit of the College Service Commission discloses that for the said subject, only one requisition was received from a College namely, Vivekananda College, Thakurpukur under the Scheduled Caste category. Since the petitioner belongs to General category, he was not considered.

It is the grievance of the petitioner that the College Service Commission should have notified the number of vacancies indicating reservation category against the said vacancies and the College Service Commission was obliged to make such notification before the publication of the merit list. Since the

vacancy position was not notified indicating the reservation category in the relevant advertisement, the selection process should be interfered with.

It has already been noted that the relevant advertisement authorised the College Service Commission to notify number and the category of vacancies before the publication of the panel.

It is the specific stand of the College Service Commission that though the panel and the vacancy position was published on the same date, the vacancy position had been notified before the publication of the panel.

Be that as it may, since the petitioner, under the given facts, could not at all be selected for the relevant post being a General Category candidate, there is no reason to entertain this writ petition.

Accordingly, **WPA 703 of 2017** is dismissed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)