

02.8.2023

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WPA 5389 of 2017

Mukul Mandal
Vs.
West Bengal College Service Commission & Ors.

Mr. Suranjit Ghosh
Mr. Bhaskar Dutta Gupta
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
... For W.B.C.S.C.

Let the instruction filed by the College Service Commission be kept with the records.

In this writ petition the petitioner has prayed, *inter alia*, for the following reliefs:

“A) A Writ in the nature of Mandamus commanding the respondent authorities, their men and agents and subordinates and each one of them to recast the said Provisional Merit Panel for General Degree Colleges published by the West Bengal College Service Commission strictly on the basis of educational qualifications/academic attainments giving due weightage to the non-fictional books in Bengali written and published by the petitioner and to Scheduled Caste candidates;

B) A Writ in the nature of Mandamus commanding the respondent authorities, their men and agents and subordinates and each one of them to the cancel Provisional Merit Panel for General Degree Colleges published by the West Bengal College Service Commission;

C) A Writ in the nature of Certiorari Commanding the respondents, their men and agents, subordinates, assigns and each one of them to produce all relevant records relating to online applications received in response to Advertisement No. 1/2015 and subsequent interview and Provisional Merit Panel for recruitment of Assistant Professors for Bengali for Government-Aided Colleges in West Bengal.”

It is the grievance of the petitioner that despite possessing a better academic background and performing well in the recruitment process for the post of Assistant Professor in Bengali under Scheduled Caste category in the recruitment year 2015, he has been denied his legitimate right to be appointed.

The College Service Commission was asked to produce the score sheet of the last empanelled candidate and that of the last recommended candidate.

It appears from the record that the last empanelled candidate scored 44.08 marks while the last recommended candidate scored 49.35 marks in that particular recruitment year for the relevant post. The petitioner, on the other hand, scored 41.92 marks.

It is further grievance of the petitioner that he has been awarded only one mark for his published papers, despite submitting four papers. The petitioner claims that all these papers were published in the internationally acclaimed journals.

For the argument's sake, even I accept the contention of the petitioner that he should have been awarded a total of four marks for his publications, even then he cannot score higher than the last recommended candidate.

In that view of the matter, I do not find any merit in this writ petition.

Accordingly, **WPA 5389 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.)