

WPA 11537 of 2018
Dr. Gobinda Roy & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Samiran Giri

...for the Petitioner

Mr. Amal Kr. Sen,
Mr. Lal Mohan Basu

...for the State

Mr. Arnab Ray

...for Respondent Nos. 14, 15, 17 and 19 to 27.

Mr. N. Chatterjee

...for Respondent Nos. 2 & 9

In this writ petition, the petitioners have challenged the selection process initiated in terms of an advertisement dated September 25, 2017, for recruiting Subject Matter Specialist (in short “SMS”) for the four Krishi Vigyan Kendras (in short “KVK”) under Bidhan Chandra Krishi Viswavidyalaya (in short “the university”).

The primary ground of the challenge is that despite the prohibitory directions from the Indian Council of Agricultural Research– Agricultural Technology Application Research Institute, Kolkata (in short “the ICAR”) and the State, the selection process has been carried out.

It has been submitted by Mr. Giri that the ICAR by an order dated September 27, 2017 communicated the Vice-chancellor of the University that the conversion of discipline from animal science to other agricultural subjects in two KVKs at Nadia and Howrah was not approved. The Vice-chancellor of the university without any approval converted some posts under the said KVKs

from animal science to other agricultural subjects.

It has been further submitted by Mr. Giri that by another letter dated November 30, 2017, the State also requested the Vice-chancellor of the university not proceed with the recruitment process.

Mr. Giri has further submitted that though the State by a letter dated March 23, 2018, instructed the university to form an appropriate selection committee, the committee was not constituted in terms of the said order.

Mr. Roy, learned advocate appearing for the respondent nos. 14, 15, 17 and 19 to 27 has drawn attention of this Court to the letter dated September 23, 2017, issued by the Heads of the KVKs at Howrah and Nadia.

Mr. Roy submits that the Heads of the aforesaid two KVKs requested for conversion of discipline from animal science to agricultural sciences as per the relevancy of the district profile. Accordingly, the Vice-chancellor converted the post of SMS at Howrah was converted from Animal Science to SMS Genetics & Plant Breeding/Seed Science/Plant Physiology and the post of SMS at Nadia was converted from Animal Science to Soil Science/Soil and Water Conservation.

Initially upon receipt of the communication from the ICAR and from the State, the university did not

proceed with the selection process. Subsequently repeated instructions were received from the ICAR to fill up the vacant posts of KVKs on priority basis. In this regard, he has referred to the letter dated December 4, 2017, January 25, 2018 and February 16, 2018 issued by the ICAR.

Mr. Roy submits that being so instructed from ICAR, the university proceeded with the selection process, but the posts converted from animal science to agricultural discipline were not filled up by the selection process. The selection was carried out only in respect of the posts which were not converted from animal science to agricultural discipline.

Mr. Roy fairly submits that though private respondent no. 23 was appointed to a converted post at Howrah KVK, but subsequently, he was transferred to Purba Midnapore KVK for the post of SMS, Seed Science, which was not a converted post.

Mr. Giri, however, submits that SMS soil science at Nadia KVK was a converted post and respondent no. 19 was appointed in the said post in violation of directives of the ICAR and the State.

In response, Mr. Roy has clarified that there were two posts of SMS soil science at KVK, Nadia. One post was converted from animal science to SMS, Soil Science on September 23, 2017 by the order of the Vice-

chancellor. Mr. Roy submits that the recruitment was carried out for SMS, Soil Science at Nadia in respect of the post, which was not a converted post from animal science to agricultural discipline.

I find substance in the stand taken by Mr. Roy. It appears that certain posts at KVK, Howrah were converted from animal science to agricultural discipline at the request of the said KVK by the Vice-chancellor.

The recruitment was carried in respect of the posts which were not converted by the Vice-chancellor. Respondent no. 23, however, was initially appointed against a converted post. To rectify the mistake, he was subsequently, transferred to a non-converted post of SMS, Seed Science at K.V.K., Purba Midnapore.

Having regard to the aforesaid, I find no justification in the stand taken by the petitioners.

Mr. Giri, however, submits that the selection committee was not formed in terms of the direction of the State contained in the letter dated March 23, 2018 issued by the Secretary, Agricultural Department. Petitioner nos. 2 and 3 participated in the selection process and they were unsuccessful. Therefore, it is not open for them to challenge the selection process on that ground after participating in the same.

Mr. Giri has tried to impress upon the Court, that petitioner no. 1, after the entire selection process had

been kept in abeyance on the basis of notification dated March 27, 2018 issued by the Director of Extension Education of the University, was never notified as to the subsequent resumption of selection process. The university authorities deliberately did not inform the petitioner the subsequent interview date and as such petitioner no. 1 could not participate in the selection process.

It is difficult to accept the argument of Mr. Giri. When as many as forty three candidates including petitioner nos. 2 and 3 participated in the selection process, it cannot be presumed that the university deliberately did not inform the petitioner the date of interview, particularly when petitioner no. 1 could demonstrate nothing to substantiate such allegations.

In my view, petitioner no. 1 was not diligent enough and for the negligence on his part, he could not participate in the selection process.

In view of the aforesaid, this writ petition is found to be merit-less and accordingly **WPA 11537 of 2018** is dismissed.

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

(Kausik Chanda, J.)

