

13
08-12-2023
AKG
Ct. 238

WPA 16411 of 2023
Sri Arnab Kumar Neogi
Vs.
The State of West Bengal & Ors.

Mr. Surojit Mukherjee

...For the Petitioner

Mr. Suman Sengupta,
Mr. Dip Jyoti Chakraborty

...for the State

Mr. Ayan Poddar,
Mr. Ayan Dutta,
Mr. Soham Dutta

...for Respondent Nos. 12, 13 & 14

Mr. R. N. Jhunjhunwala,
Mr. Ramesh Kr. Patodia,
Mr. Debdutta Sen,
Ms. Megha Agarwal,
Ms. Ledia Dasgupta,

...for Respondent Nos. 6 to 11

Mr. Arindam Banerjee

...for Registrar General, High Court

The petitioner seeks admission to Ph.D. course in Law conducted by St. Xavier's University, Kolkata. There were nine seats for which a panel of eleven candidates was prepared. The petitioner figured at no. 10 in the said panel on the basis of his performance in the selection process.

By filing this writ petition, the petitioner challenged the admission of respondent nos. 12, 13 & 14, who are Judicial Officers of the West Bengal Judicial Service Cadre.

The petitioner submits that the relevant course is a whole time course and therefore, the High Court ought not to have permitted the said Officers to pursue the course.

This Court directed the High Court Administration to file an affidavit disclosing its stand by an order dated

November 30, 2023.

It appears that initially, High Court granted the permission to the Judicial Officers to pursue the course, but subsequently, the permission was withdrawn by an order dated October 18, 2023. The said officers thereafter made a representation before the High Court on November 23, 2023 to re-consider their case.

After considering the representations, High Court revisited the issue and allowed Judicial Officers to pursue the course. The relevant part of the affidavit is quoted below:

“Taking into account the fact that the above mentioned judicial officers have completed one semester and are pursuing the second semester, the financial implications, assuming for the time being that they were under some misconception regarding the nature of the course and also taking into account the above office order of the Supreme Court dated 24th May, 2023, permission is granted to the above judicial officers to complete the second semester from January to May, 2024 of the Ph.D. course in St. Xavier’s University by obtaining minimum leave either casual or earned so as to fulfill the attendance criterion. The concession is being granted as a special case.”

The affidavit filed by the university also suggests that it is possible for the Judicial Officers to complete the course without hampering their judicial duties.

The petitioner contends that the selection should have

been conducted in terms of the University Grant Commission's regulations which clearly contradict regulations framed by the university. If the selection had been conducted in terms of the UGC regulations, he would have been selected. The university disputes such contention.

It is not at all necessary for this Court to delve into that aspect. The relevant regulations framed by the university for the Ph.D. course clearly indicate the eligibility criteria for admission to the Ph.D. programme. The petitioner was aware as to the applicable regulations for the selection and he consciously participated in the selection process accepting the said regulations. After being unsuccessful, he cannot contend otherwise.

Accordingly, **WPA 16411 of 2023** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)