

28-06-2023

AKG

Ct. 238

WPA 17905 of 2021**With****CAN 1 of 2022****Bhagaban Behra & Anr.****Vs.****University Grants Commission & Ors.**

Mr. Mainak Ganguly,
Mr. Shankar Mukherjee

...For the Petitioners

Mr. Kallol Basu,
Mr. Suman Banerjee

...For the Respondent Nos. 15 & 16.

Mr. Soumya Majumdar,
Ms. Sanjukta Dutta

...For the Jadavpur University

Mr. Anil Kr. Gupta

...For the U.G.C.

The petitioners challenged the selection of respondent nos. 15 and 16 for the post of Associate Professor in the Department of International Relations at Jadavpur University. Though several grounds have been taken in this writ petition to challenge the eligibility of the said candidates, it does not appear before this Court that this is the right time to consider of those grounds.

It appears that respondent nos. 15 & 16 appeared for the relevant selection process following an advertisement published on October 25, 2019. They appeared before the selection committee for interview on December 22, 2019. The selection committee selected

respondent nos. 15 and 16 for the relevant posts. Thereafter several complaints were received by the university alleging various illegality in the selection process due to which the selection proceeding could not complete. Challenging the inaction on the part of the university to complete the selection process, respondent nos. 15 and 16 thereafter filed two writ petitions before this Court which were disposed of by a Co-ordinate Bench of this Court with a direction upon the university to complete the selection process by six months from the date of the said order.

The writ petitioners suggest that they have come to know that respondent nos. 15 and 16 have been finally selected for the posts in question and therefore, the petitioners have challenged the selection process by filing this writ petition.

From the documents disclosed by the university in its affidavit in opposition particularly, the letter of the Vice-chancellor appearing at page 37 of the affidavit in opposition, it appears that after the interview held on December 22, 2019, the names of the respondent nos. 15 and 16 were sent before the Vice-chancellor. The Vice-chancellor did not accept the recommendation of the selection committee and referred the matter back to the selection committee again for review. The selection committee again in its meeting dated December 21, 2020 selected the name of the respondent no. 15 as earlier. With regard to respondent no. 16, the vice-chancellor's

letter indicates that the selection committee sought for opinion of the learned Advocate General and the said opinion has also been received by the university.

It, however, does not appear whether the selection committee has taken the final view on respondent no. 16.

Having regard to the fact that the selection process is yet to be complete in terms of The West Bengal University Laws (Amendment) Act, 2011, this Court need not go into the questions as raised by the petitioner. A Co-ordinate Bench of this Court has already directed the university to complete the selection process in accordance with law. Therefore, no further order is passed in this writ petition.

Needless to mention that once the selection process is complete in terms of The West Bengal University Laws (Amendment) Act, 2011, the petitioners will be at liberty to challenge the appointments in accordance with law.

It has been submitted by Mr. Majumdar that since there is no regular vice-chancellor at the university, it may not be possible to take any immediate steps in terms of Section 27 of the said Act of 2011.

The university may take all these points at the time of hearing of the application for contempt pending before the learned Co-ordinate Bench which directed the university to complete the selection process in a time bound manner.

With the aforesaid observations, WPA 17905 of 2021 along with CAN 1/2022 is disposed of.

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.)