

Item-15. 12-09-2023

MAT 1390 of 2023
CAN 1 of 2023

sg Ct. 8

Koushik Goswami
Versus
The State of West Bengal & Ors.

Mr. Subir Sanyal, Adv.
Mr. Sangik Roy Chowdhury, Adv.
...for the petitioner
Mr. Kishore Dutta, Sr. Adv.
Mr. Subhrangsu Panda, Adv.
...for W.B.C.S.C
Mr. Anil Kr. Gupta, Adv.
...for the UGC
Mr. Biswabrata Basu Mallick, AGP.
...for the State

1. The appeal is arising out of a judgment dated 26th June, 2023 in a writ petition in which the petitioner has challenged the process of marking in serial no.2 of the score pattern for Assistant Professor in General Degree Colleges.
2. The writ petitioner was an aspirant for the post of Assistant Professor in Chemistry. The writ petitioner contended that he should have been awarded marks for two years Post-Doctoral fellowship at Kalyani University and, in addition to this, four year teaching experience at Ramakrishna Mission Vidyamandir at Belur.
3. The facts have been concurrently circumstanced in the order impugned and accordingly, we are refrained from stating the facts save and except all the certificates indicated above.
4. The short question arises in this appeal is whether teaching/Post-Doctoral degree mentioned in category II shall be disjunctive or conjunctive. The recruitment process clearly stipulates that either the teaching or Post-Doctoral

degree shall be taken into consideration for the purpose of evaluation of the candidature.

5. It is no doubt that if the petitioner possessed all the qualifications and one of them would entitle him to a higher marks, then the recruitment body would be required to consider the higher marks in comparison to the lesser marks and evaluate the candidature on that basis. In the instant case, there are no such inflicted candidates in the selection process.
6. We cannot accept the argument that the petitioner should be awarded marks both for teaching and Post-Doctoral as it does not appear to be an intention of the Recruitment Rules. We should not enter into the wisdom of the Recruitment Rules as it falls within the domain of the expert committee.
7. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.
8. The appeal fails. The appeal and the application are dismissed. However, there shall be no order as to costs.

(Siddhartha Roy Chowdhury, J.)

(Soumen Sen, J.)