

08.12.2023
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WPA 28748 of 2022

Nitish Kumar Biswas
Vs.
The State of West Bengal & Ors.

Mr. Srijib Chakraborty
Mr. Sunny Nandy
Mr. Subha Pathak
... For the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
Mr. Chandan Chakraborty
... For the University.

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

Mr. Souvik Nandy
Mr. Deeptangshu Kar
... For the respondent nos. 11-12.

The petitioner is an aspirant for a Group-C as well a Group-D post at Dr. B.R. Ambedkar College, Nadia.

It is the grievance of the petitioner that the selection process initiated by an advertisement dated December 28, 2018 for the said posts has not yet been completed.

Mr. Srijib Chakraborty, learned advocate appearing for the petitioner submits that by an order dated January 05, 2022 passed by this Court in MAT 452 of 2021, the college was directed to complete the selection process.

It is, however, an admitted position that the college sought permission from the Director of Public Instruction, West Bengal to conduct a fresh recruitment following the advertisement dated December 28, 2018.

The permission was denied by the Director of Public Instruction, West Bengal. The petitioner challenges the same in this writ petition.

It is the petitioner's case that the selection process should be completed in terms of the aforesaid advertisement dated December 28, 2018, since Chapter – IV of the West Bengal College Service Commission Act, 2012 has not yet been made operative by way of making rules under Section 14 (1)(2) of the West Bengal College Service Commission Act, 2012.

It is not necessary for this Court to decide the issue at the instance of the petitioner.

The petitioner has only made an application following the advertisement for being considered for the relevant post. Such application does not give any vested right in favour of the petitioner. It is for the college to seek continuation of the selection process in terms of the advertisement dated December 28, 2018, if it is aggrieved by the order of the Director of Public Instruction.

Accordingly, this writ petition is not entertained on the ground of locus of the writ petitioner.

Accordingly, **WPA 28748 of 2022** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)