

30.01.2024
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WPCT 30 of 2024
Director General, Head Quarters,
Employees' State Insurance Corporation & Others
– *Versus* –
Smt. (Dr.) Sonia Jain

Mr. Shiv Chandra Prasad
... for the Petitioners.
Ms. Sonia Jain
... Respondent in-person.

This writ petition is directed against the order dated 12th January, 2024 passed by the learned Tribunal in O.A./67 / 2024 (Kolkata).

Shortly put, the facts requires to be adumbrated for the purpose of effective disposal of the writ petition are that the petitioners initiated a selection process for filling up of the post of Assistant Professor (Microbiology) along with other posts. The respondent offered her candidature for the said post by making an application. Despite receipt of her application, no call letter had been issued to enable her to appear in the interview. The respondent approached the learned Tribunal. The learned Tribunal upon hearing the contention canvassed by the respondent arrived at a conclusion that she had made out a *prima facie* case. Accordingly, by an interim order, the learned Tribunal directed the petitioners to allow the respondent to appear in the interview scheduled to be held on and from 19th January, 2024 for the post of Assistant Professor (Microbiology), if she otherwise eligible. It was further directed therein that if the applicant is

found to be eligible to appear in the interview, necessary intimation in this regard would be given to her to appear in the interview through *e-mail*. It was also made clear that participation in the interview by the applicant will not give her any right to be appointed on regular basis.

The petitioners did not allow the respondent to appear in the interview nor did they give her any intimation rather on 18th January, 2024, she was informed that the petitioners were going to assail the interim order dated 12th January, 2024 before this Hon'ble Court. On 19th January, 2024, the petitioners have preferred this writ petition. On 25th January, 2024 the petitioners have also filed an application, being M.A.119 of 2024 seeking vacating of the interim order passed on 12th January, 2024.

In the midst thereof, the respondent filed an application being M.A. 106 of 2024, which was allowed by the learned Tribunal on 22nd January, 2024 by directing the petitioners herein to allow the applicant to appear in the interview for the post of Assistant Professor (Microbiology) forthwith, if necessary, by way of arranging an alternate date of interview expeditiously.

We are informed that the application for vacating the interim order dated 12th January, 2024, being

M.A.119 of 2024 has been fixed for hearing on 31st January, 2024.

In such conspectus, we are not inclined to pass any order in the writ petition and the same is, accordingly, dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)