

22.04.2024
Item No.23 & 24
Ct. No.238
S.A.

WPA 1245 of 2024

Gopal Krishna Jha

-vs-

**The State of West Bengal & Ors.
with**

WPA 1527 of 2020

Asim Kumar Biswas

-vs-

The State of West Bengal & Ors.

Mr. Sourav Sengupta
Mr. Abhisek Baran Das
Mr. Shayak Chakraborty
Ms. Sanjukta Majumdar

...for the petitioners

Mr. Pijush Biswas
Mr. Puspasish Gupta

...for the respondent nos.2, 3 & 5

Mr. Aswini Kumar Bera
Mr. Arijit Bera

...for the respondent no.7

Both the writ petitions are taken up for hearing together since the petitioners in both the cases have challenged the appointment of respondent no.7 to the post of Development and Planning Officer at Kazi Nazrul University.

An advertisement was published on 13th January, 2019, inter alia, for filling up the post of Development and Planning Officer/Development Officer at Kazi Nazrul University. The qualifications prescribed for the post were as follows :

“i. Uniformly good academic record with a Master’s Degree with minimum 55% marks or its

- equivalent grade in the point scale wherever a grading system is followed.*
- ii. At least 10 years’ experience in a position involving supervision, control and planning of administration of Colleges, Universities/Institutes of Higher Learning or Government or Quasi Government organisation.*
 - iii. Age not below 35 years. Relaxable in the case of exceptionally qualified candidates.”*

Following the advertisement, 56 candidates applied. The relevant screening committee short-listed 10 candidates for the interview. In the ultimate selection, the respondent no.7 was appointed as the Development and Planning Officer of Kazi Nazrul University.

The facts involved and the documents disclosed by the petitioners in these two writ petitions are not disputed by respondent no.7. Respondent no.7 in his application in response to the advertisement disclosed the following educational qualification and experience.

Educational Qualifications

Sr. No	Examination/ Degree	Name of Board/ College/University	Percentage of marks	Discipline/ Subject(s)	Year of passing	Uploaded Document
1.	MADHYAMIK	W.B.B.S.E.	65.25	BNG ENG HIST GEO MATH P.SC L.SC	1997	Click here
2.	H.S.	W.B.C.H.S.E.	42.2	COMMERCE	1999	Click here
3.	B.COM	THE UNIVERSITY OF BURDWAN	41.12	COMMERCE	2002	Click here
4.	M.COM	S.M.U.	59.15	COMMERCE	2008	Click here

Whether
qualified (UGC/CSIR)NET/SLET/SET?: **Not Qualified**
Whether Ph.D Awarded?: **No**
Whether M.Phil awarded? : **No**

Details of Employment Experience

Sr No	Name of Employer	Status of Institute/ University	Post held/ Designa- tion	Period of Employment		Pay Band/Scale and Grade Pay		Nature of duties
				From (dd/mm/yy)	To (dd/mm/yy)	Scale Band	Grade pay	
1.	UNIVERSITY OF NORTH BENGAL	AUTONO MOUS	ACCOUNTS OFFICER	16/Jan/ 2019	18/Jan/ 2019	15600 – 39100	6000	PERMA NENT
2.	KAZI NAZRUL UNIVERSITY	AUTONO MOUS	JR. ASSISTANT	03/Sep/ 2015	15/Jan/ 2019	7200- 25400	3300	PERMA NENT
3.	VIDYASAGAR UNIVERSITY	AUTONO MOUS	JR. ASSISTANT CUM TYPIST	14/Feb/ 2014	02/Sep/ 2015	7200- 25400	3300	PERMA NENT
4.	N.I.C.E.D.	AUTONO MOUS	D.E.O.	16/Dec/ 2002	31/Jul/ 2014	20465	CONSO	CONTRA CTUAL

The screening committee for the purpose of shortlisting, enhanced the minimum educational qualification from Master Degree with minimum 55% to 60%, however, on account of the experience criterion, the committee drastically reduced it to 3 years from 10 years.

It is permissible for an employer to implement a shortlisting process when there are numerous applicants for a notified vacancy. During the shortlisting process, the selection committee has the discretion to introduce higher standard of qualifications or criteria to decrease the number of candidates for the final selection. However, in an interesting turn of events, the screening committee relaxed the experience criterion only to include the petitioner in the final selection pool. From own showing of the educational qualifications and details

of employment experience of respondent no.7, it would be evident that respondent no.7 was not qualified to be short listed for he did not have 60% marks in Master's Degree.

It is not surprising that this Court finds respondent no.7 to have played an active role in the shortlisting process. The Annexure R-2 of the affidavit filed by the university reveals that respondent no.7 himself forwarded the names of the short listed candidates to the then Vice-Chancellor of the university though at that relevant point of time he did not have any association with the university.

The final selection appears to be equally surprising. Though the respondent no.7 in his application disclosed that he had no Ph.D. qualification, the selection committee awarded him 5 marks for the same and thus he was given 20.4 marks in total on account of his academic performance. The selection committee awarded him highest marks (9 out of 10) on account of knowledge in the domain of Information and Communication Technology. It is anybody's guess how respondent no.7 was awarded such marks in Information and Communication Technology without possessing any formal academic qualification in that subject. Under the heading "domain knowledge and interview performance", respondent no.7 was given 36 marks

out of 40.” With all this, the respondent no.7 scored first position in the selection process with 79.9 marks.

The entire selection process as indicated above clearly shows that the respondent no.7 did not possess the basic requisite qualifications to participate in the final selection process. By sheer manipulation and malpractice, he was appointed to the relevant post. The opposition filed by the respondent no.7 does not disclose anything to contrary.

Accordingly, the entire selection process for the post of Development and Planning Officer of Kazi Nazrul University initiated through the advertisement dated January, 2019 is quashed. Since the entire selection process suffers from nepotism, favouritism and lack of transparency, this court is of the view that not only appointment of the respondent no.7 should be cancelled, the entire selection process should also be quashed.

Accordingly, **WPA 1245 of 2024 with WPA 1527 of 2020** are disposed of.

(Kausik Chanda, J.)