

Item-13. 04-01-2024

sg Ct. 8

MAT 339 of 2021
CAN 1 of 2021

Dr. Subhra Jana
Versus
Union of India & Ors.

Mr. Pradip Kumar Dutta, Sr. Adv.
Mr. Surajit Chakraborty, Adv.
...for the appellant
Mr. Partha Ghosh, Adv.
Mr. Tirthapati Acharya, Adv.
Ms. Madhu Jana, Adv.
Mr. Simran Sarkar, Adv.
Mr. Debasis Das, Adv.
...for the respondent nos.2 to 9
Mr. Amal Kumar Datta, Adv.
...for the respondent no.11

1. The appeal is arising out of an order dated 9th February, 2021 in relation to filling up of four posts of Assistant Professors in Satyendra Nath Bose National Centre for Basic Sciences (in short 'SNBNCBS') at Kolkata pursuant to an advertisement published on 6th April, 2020.
2. Applications were invited from persons with research interest in the areas of:-
 - (a) Experimentalists in the areas of Quantum Materials, Quantum Optics/Photonics and Nano Devices;
 - (b) Chemistry of Nano Materials, Functional Nano Materials and Devices and Computational Molecular Biology and
 - (c) Theoretical and Observational Astrophysics involving mega telescope observations.
3. The selection committee considered the applications of a number of persons and appointed respondent no.11 in the field of Astrophysics and Cosmology.
4. Mr. Pradip Kumar Dutta, learned Senior Counsel appearing

on behalf of the appellant has submitted that the academic credentials and achievements of the appellant in the filed of Astrophysics and Cosmology is far superior to the private respondent and he had relied upon a chart indicating the number of journals published in the last five years, Patents, Ph.D student produced, citations and awards mentioned at paragraph 29 of the writ petition and relied in course of argument in the appeal. It is submitted that the expert committee did not take into consideration such academic record and credentials and the comparison between the two candidates would show that if the selection committees were aware of the achievements then they could not have ignored the candidature of the appellant over the private respondent.

5. Mr. Dutta has further submitted that the process of selection in terms of the advertisement would consist of seminar and academic interaction followed by a selection committee meeting for a short listed candidates and in the event the selection committee was properly apprised of the quality of the seminar and the academic achievements of the appellant, they could not have proceeded to ignore the candidature of the appellant and gave preference to the private respondent over the appellant.
6. A comparison of candidature as produced by Mr. Dutta was shared with the learned Counsel for the Institute seeking response. The private respondent was also given liberty to file an affidavit disclosing her credentials. The Registrar of the Institute has given a comparison of the candidature with her inputs. It appears from the relative academic excellence

of the candidates concerned that the private respondent has commendable experience in the subject and whether he would be suitable for the post for which his candidature was considered is for the expert committee to decide. The academic credentials as produced by the Institute of the private respondent does not prima facie appear to be inferior to that of the appellant, however, we are not the experts to decide whether the private respondent is suitable for the post and in this regard, we have to honour the decision of the expert committee constituted for the selection of the candidates for the said post. Moreover, it appears that the respondent no.11 has been recruited in one of the reserved category post of OBC. The Institute cannot recruit general candidates when no suitable reserved category candidates are available. The posts for reserved category are to be kept vacant. Auto conversion from reserved category to unreserved category is not permissible and it has to follow certain procedure as rightly stated by the Registrar of the Institute.

7. The respondent no.11 was an external candidate and he had competed with all other external as well as internal candidates for the said post. The Institute claimed that the respondent no.11 had more international exposures than the writ petitioner which, prima facie, appears to be corrected and his candidature was given due weightage along with the other candidates at the time of primary screening, final screening and thereafter the employment process was concluded and the private respondent was selected on the

basis of the recommendation of the selection committee. The selection committee for interview was consisting of six members which includes four external experts. The selection committee conducted interview of all the selected candidates and reached a unanimous decision to select the private respondent no.11 based on his performance during interview.

8. We do not find any illegality in the matter of selection or favouritism, which may vitiate the selection process. We are unable to interfere with the selection process initiated by the Institute, which the private respondent was given an appointment. In view thereof, the appeal fails. The appeal and the application are, accordingly, dismissed.
9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)