

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 10851 of 2024

Dr. Papiya Shaw
Versus
The State of W.B. & Ors.

For the petitioner

Mr. Shamim Ul Bari

For the WBCSC

Mr. Pulak Ranjan Mondal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
Ms. Mithu Singha Mahapatra

Heard on

: 28.11.2024

Judgment on

: 28.11.2024

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to publish the panel of successful candidates for recruitment to the post of Assistant Professor of Hindi under ST Category and also to direct the respondent nos. 4 to 6 to disclose the detailed score of the petitioner as well as the cut off marks for the subject Hindi under ST Category.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner participated in the selection process for the post of Assistant Professor in the subject of Hindi and applied for the same under the S.T. Category. This was pursuant to an Advertisement No.1 of 2020 published by the West Bengal College Service Commission. A panel was published. But, no panel for the S.T. Category for the said subject was separately published. It appears that the stand of the Commission as would be evident from the Report is that at present, there is no vacancy for such post under the S.T. Category. In such event, the Commission should not have put up the advertisement. This led to unnecessary harassment of the petitioner who thought that she would be applying for such post under the ST category.

Learned counsel appearing on behalf of the Commission denies the allegations made in the writ petition and submits as follows. As would be evident from the advertisement, it was clarified that the vacancy cut-off date and the exact number of all vacancies (subject wise, category wise and college wise) would be notified before publication of the merit list. It was also made abundantly clear that the Commission's

responsibility was restricted to accurate compilation of vacancies as reported by colleges and the Commission was not at all responsible for any error in reporting vacancies from the end of college or for absence of vacancy under any category of any subject for non-receipt of requisition from any State aided college. Knowing all these fully well, the petitioner participated in the selection process. It will not be open to her to challenge the selection process after not succeeding in the same. Moreover, if the petitioner gets more marks, she can fairly be considered under the unreserved category.

It is quite strange that the Commission put up an advertisement without ascertaining the exact number of vacancies, category wise.

However, it was also made clear in the advertisement that they would not be responsible even for the absence of any vacancy under any category of any subject for non-receipt of requisition from any State aided college.

The petitioner participated in the selection process despite such terms and conditions laid down in the advertisement. Now, he cannot feign ignorance and claim that the selection process was not proper.

In any event, as has been contended on behalf of the Commission, if the petitioner gets requisite number of marks, she can be considered under the unreserved category as well.

Therefore, this Court does not find any merit in this application or any reason to interfere with the selection process.

With these observations, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties,
if applied for, as early as possible.

(Jay Sengupta, J)