

22.05.2024
Item No.55
Ct. No.17
S.A.

WPA 13317 of 2024

Kajalbaran Jana
-vs-
The State of West Bengal & Ors.

Mr. Kanailal Samanta
...for the petitioner
Mr. Swapan Kumar Dutta
Mr. Rajat Dutta
...for the State
Mr. Raja Saha
Mr. Sanjay Mukherjee
...for the respondent no.8
Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
...for West Bengal College Service Commission
Ms. Debjani Sengupta
Ms. Koyel Bag
Mr. Abhijit Chatterjee
...for the Vidyasagar University

In the earlier round of writ petition (WPA 9487 of 2023) (Kajalbaran Jana vs. The State of West Bengal & Ors.) this Court on August 9, 2023 passed the following order :

“In that view of the matter, I direct the Principal Secretary, Higher Education Department, West Bengal to take a decision with regard to the condonation of the age bar of the petitioner in accordance with law within a period of one month from the date to communication of this order to enable the petitioner to participate in the upcoming selection process for the post of Principal, conducted by the College Service Commission.

The Principal Secretary shall hear the petitioner and pass a reasoned order. The reasoned order shall be communicated to the petitioner within one-week thereafter.

*Accordingly, **WPA 9487 of 2023** is disposed of.”*

In compliance with the said order dated August 9, 2023, the Principal Secretary, Department of Higher Education by a reasoned order dated September 14, 2023, rejected the case of the petitioner. The relevant part of the said order is quoted below :

“6. The representatives from the College Service Commission submitted that during the application the petitioner suppressed the material fact that his date of birth is 31.12.1966. He instead put his date of birth as 02.01.1967. Later the Selection/Interview Committee duly scrutinized the originals and recorded that the Candidate was over aged.

7. The West Bengal College Service Commission should have been more vigilant while scrutinizing the documents and should desist from entertaining such practice, fraught with misconception and submission of questionable documents.

8. As per the existing Recruitment Rules of the State Government for the post of Principal vides No. 222-Edn (CS) dt. 21.03.2022 issued by the Principal Secretary, Department of Higher Education, West

Bengal for the Govt. Aided College of West Bengal in point No.5 under Age, it is mentioned as follows:

“Not below 40 (forty) years and not above 55 years on the 1st day of the year of Advertisement;

Provided that Provided the upper Age limit may be relaxable for the candidate belonging to the categories of Scheduled Caste, Scheduled Tribes and other Backward Class (Non-creamy layer) and Differently abled categories as per extant rules/orders of the State Government.”

9. The petitioner in his argument for condonation of over age has failed to show any precedence of that sort. He also could not plead any proper ground as to why such condonation shall be allowed. Going by the provisions of the Recruitment Rules it is seen that there is no such power vested in any authority for condonation of over age except what has been mentioned in the para 8 above.”

In absence of any specific provision, the age bar of the petitioner could not be condoned. Learned advocate appearing for the petitioner could not demonstrate any rules for condonation of age bar. I do not see any infirmity in the order impugned.

The petitioner cannot be treated differently and claim any equitable relief when it is apparent that in his application he has deliberately given his incorrect date of birth.

This writ petition is not entertained.

Accordingly, **WPA 13317 of 2024** is dismissed.

(Kausik Chanda, J.)