

Dd 05 14.06.2024

MAT 1436 of 2023
with
I.A NO: CAN 1/ 2024

Dr. Swati Choudhury
Vs.
The Indian Statistical
Institute & Ors.

Mr. Achintya Banerjee,
Mr. Sabyasachi Mukherjee,
Mr. M. Nandy,
Mr. M. Khanna, Advocates
... .. For the Appellant

Mr. Debapriya Gupta, Advocate
... .. For the respondent no. 5

Appeal is directed against an order dated July 6, 2023 passed in WPA 2699 of 2022 dismissing the writ petition.

Learned advocate appearing for the appellant draws the attention of the Court to the notice inviting application to the post of Scientific Assistant/Associate Scientists with a Pd.D degree in the relevant subject. He submits that, the writ petitioner qualifies all the criteria for applying to the post. Writ petitioner applied to such post. Her application was recommended by a writing dated October 5, 2010. Candidature of the writ petitioner was not considered. Rejection was arbitrary. The writ Court should intervene.

Learned advocate appearing for the writ petitioner submits that the petitioner superannuated in the

meantime. The Court should consider grant of notional benefit to the writ petitioner after taking into account the wrongful rejection of the candidature of the writ petitioner to such post.

Respondent no. 5 is represented.

By a notice dated September 20, 2010, Indian Statistical Institute invited application from the workers of the institute in the position of Scientific Assistant/Associate Scientist with a Ph.D degree in relevant subject having at least two publications in peer-reviewed journals since 2006, for the position of Assistant Professor in the Institute.

Appellant before us applied to such post. Her application was recommended by a writing dated October 5, 2010. In the recommendation, the authorities requested consideration of candidature of the appellant as a special case. On September 20, 2010, the appellant before us was working as Associate Scientist, Grade-C.

Notice inviting appointment to the post of Assistant Professor was for person working in the position of Scientific Assistant/Associate Scientist with the requisite qualification as noted therein. Appellant was working in a post which was non-academic. Appellant was not qualified in the selection process. The selection process was in the year 2010. Thereafter, the appellant did not ventilate her grievances with regard to such selection till 2022 when she filed the writ petition.

At best the appellant was entitled to be considered for the post which she applied for. Rejection of her candidature was not assailed at the relevant time. Third party rights intervened in the meantime. Post was filled up. She cannot be extended

notional benefit for a post at which she was never appointed.

At this belated stage, we are not minded to re-open the issues sought to be raised by the appellant.

In such circumstances, we find no merit in the present appeal.

MAT 1436 of 2023 along with connected application are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)