

December 20, 2024
AD 37
Ct. 17
SG

WPA 30270 of 2024

Sumita Mandal

vs.

The State of West Bengal and others

Mr. Shamim Ul Bari

Ms. Jhilik Singha

... for the petitioner

Mr. Swapan Kumar Dutta

Mr. Rajat Dutta

... for the State

Mr. Pulak Ranjan Mandal

Ms. Bandana Mandal

Mr. Subhrangsu Panda

Ms. Ira Bhattacharya

Ms. Mithu Singha Mahapatra

... for the WBCSC

Affidavit of service filed in Court is taken on record.

Despite service no one appears for the College.

Copies of documents filed on behalf of the College
Service Commission are taken on record.

Learned counsel for the petitioner submits as follows. The petitioner was selected for the post of an assistant professor in a government aided degree college. At that time she was working in a school. She prayed for an order to grant lien. But, the school did not do so. She was given an appointment letter in January, 2024 asking her to join the college by 22.02.2024, but she prayed for extension of time. Extension was granted till 02.03.2024.

But, due to her illness she could not join. She again prayed for extension of time before the college, but it was not allowed. Now, it appears that the West Bengal College Service Commission has fixed a date for counselling of the lower ranked individuals in the panel for the said post. The counselling is to take place on 20.12.2024.

Learned counsel for the College Service Commission denies the allegations and submits as follows. Extensions were granted to the petitioner to join the College. If she was so interested, she could have left earlier job and joined the College. But, she chose not to do so. The documents would show that the College took a decision on 04.03.2024 to cancel the appointment letter issued to the petitioner. This was intimated to the Commission with a request to recommend a fresh candidate. The same was done. Thereafter, a date has been fixed for counselling. It was, in any way, too late for the petitioner to challenge such action that had taken place in March, 2024 and the recommendation that was made by the Commission in July, 2024. Besides, once the college takes a decision to cancel the earlier appointment, it is not for the Commission to alter such decision.

Learned senior counsel representing the State supports the contention of the College Service Commission. The recommendation does not survive once the college has cancelled the appointment itself.

It appears that the petitioner was granted opportunities either to obtain a lien from the earlier school or to leave the earlier employment and join the College. The College cannot wait for an indefinite period for engaging an assistant professor.

The cancellation of appointment by the College has not even been challenged in this proceeding.

In such circumstances, the Commission cannot be faulted for recommending a fresh candidate or for fixing a date for fresh counselling.

In view of the above discussions, I do not find any merit in this application.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

As affidavits were not called for, allegations contained in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)