

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 7279 of 2020

CAN 1 of 2020

Dr. Satya Mondal

Versus

The Diamond Harbour Women's University & Ors.

For the petitioner : Mr. Golam Mostafa
...Advocate

**For the Diamond Harbour
Women's University** : Mr. Soumya Majumdar
Mr. Amitava Chowdhury
Mr. Riaz Abedin
Mr. Asif Dewan
...Advocates

For the State : Ms. Munmun Tewary
: Mr. Sanatan Panja

Heard on : 19.06.2024

Judgment on : 19.06.2024

JAY SENGUPTA, J:

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondent authorities to issue appointment in favour of the petitioner as Controller of Examinations at the Diamond Harbour Women's University on the basis of final selection made by the Selection Committee at the earliest.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is qualified to be appointed as Registrar and/or Controller of examination of a University. He was served an institution of higher learning for about 11 years out of which he served for more than 5 years as Registrar in education institutions. The petitioner is B.E., (IEST, Shibpur), M. Tech, Ph. D. He had applied for the post in question. After an undergoing a selection process, it appeared that he had come first and was recommended to be selected for the post of Controller of Examinations. In spite of this, the College Authorities have not issued an appointment letter to the petitioner.

Learned senior counsel representing the University denies the allegations made in the writ petition and submits as follows. The petitioner did not strictly fulfil the criteria as given in the Employment Notification No. DHWU/02/COE/2019 dated 18.02.2019. Clause 2 of the Essential Qualifications required that the candidate had at least 15 years experienced as Senior Lecturer/Reader/ Assistant Professor in the AGP of Rs. 7,000/- and above or 8 years with AGP of Rs. 8,000/- including as Associate Professor along with experience in Educational Administration in academic institutions such as University or an Institute of Higher Learning of which 5

years must be in a University or in an Institute of Post Graduation. On the contrary, the petitioner admittedly had 11 years of experience. It also appeared that the petitioner had several breaks in service in his career. However, these issues had not been considered by the Selection Committee or the Review Committee. Incidentally, the University has not taken a final decision on the question of selection of the petitioner as a candidate because the petitioner had approached this Court before the same could be done.

It is surprising to note that the contents of meeting of the Review Committee dated 06.11.2019 as appended to the affidavit in opposition is being disputed by the University. There the five competent members of the Committee had come to a finding that the petitioner had completed more than 15 years of service in various academic organizations and that he had completed 8 years of service with AGP of Rs. 8000/- and above. The Committee further observed that the petitioner fulfilled the necessary criteria of the two of essential qualifications as mentioned in the advertisement.

It is very strange indeed that the University itself is now doubting the conclusions arrived at by its Committee.

Be that as it may, it appears that the University has not yet taken a final decision on the issue of appointment of the petitioner to the post of Controller of Examination.

In view of the above, the University shall take a final decision on the question of appointment of the petitioner to the post of Controller

Examination of the said College in accordance with law and as expeditiously as possible, preferably within a period of six weeks from the date of communication of this order. The result of the consideration shall also be communicated to the petitioner within a week therefrom.

With these observations, the writ petition is disposed of.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Jay Sengupta, J)