

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPO/947/2024
IN THE MATTER OF :
FARUK AHMED
VS
WEST BENGAL LEGISLATIVE ASSEMBLY AND ORS.

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 27th September, 2024.

APPEARANCE:

Mr. Bhaskar Ghosh, Adv.
For applicant
Md. T.M. Siddiqui, Adv.
Mr. T.Chakraborty, Adv.
Mr. S. Adak, Adv .
For State

The Court : Affidavit of service filed in Court today is taken on record.

The petitioner says that the petitioner is a security staff in the West Bengal Legislative Assembly being the respondent no.1 herein.

Pursuant to an employment notice dated 19th March, 2024 published by the West Bengal Legislative Assembly Secretariat on 19th March, 2024 for filling up one post of Deputy Security Officer from amongst eligible security staff, the petitioner applied for his candidature to be considered for such post. The advertisement, from other eligibility criteria also specified that the applicant should be a graduate from a recognized university. The petitioner applied for

such post. The petitioner says that he is a graduate from Vinayaka Mission's Research Foundation University which, according to the petitioner, is a Deemed University and such fact has also been clarified in a reply dated 28th August, 2024 given to the petitioner's query under Right to Information Act, 2005.

The petitioner says that despite being a graduate from a recognized university, the petitioner's candidature was rejected only on the ground that he did not possess graduation degree from any recognized university.

The post against which the petitioner applied, as I am told, has already been filled up.

In the aforesaid facts and circumstances, there is no scope for passing of any interim order.

The only course open is to direct the Principal Secretary, West Bengal Legislative Assembly being the respondent no.2 herein to consider the petitioner's case as to whether a graduation degree obtained by the petitioner from Vinayaka Mission's Research Foundation is a recognized graduation degree as spelt in the advertisement.

The respondent no.2 shall upon granting a personal hearing to the petitioner and allowing him to produce necessary documents dispose of the issue raised by the petitioner that a graduation degree obtained from Vinayaka Mission's Research Foundation is a recognized graduation degree as spelt in the advertisement dated 19th March, 2024.

The entire exercise should be completed within a period of twelve weeks from date.

The reasoned order so to be passed shall be communicated to the petitioner. I make it clear that I have not gone into the merits of the matter. The respondent no.2 shall be free to independently judge all issues raised without being influenced by any observation made in this order.

Nothing further remains to be decided in this writ petition. The writ petition is, accordingly, disposed of.

Since the order is passed in the presence of the advocate for the respondent no.2, no further communication of this order is necessary. However, as and by way of abundant caution the petitioner shall serve a server copy of this order on the respondent no.2 who shall act on the basis thereof without insisting upon production of a certified copy thereof.

(ARINDAM MUKHERJEE, J.)

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