

03.03.2025

WPST 30 of 2025

Palas Pal
Vs.
The State of West Bengal & Ors.

Mr. Abhijit Sarkar
Mr. Raja Biswas

... ... for the petitioner

Ms. Sonal Sinha
Ms. Ashmita Chakraborty

... ... for the State

Affidavit of service is taken on record.

Heard learned counsel for the petitioner and
learned counsel for the State.

An advertisement was issued bearing advertisement
No.2 of 2023 by the Public Service Commission, West
Bengal inviting applications for recruitment to the
temporary post of Joint Director of Textiles (Powerloom,
Hosiery and Readymade Garments Division).

The petitioner, amongst others, made his
application based on the advertisement. 28 applicants
were called for interview. After the interview process, the
petitioner was placed in the merit list at 3rd position in
the order of merit while the person placed at the first
position got 65 marks, second position secured 55
marks and the petitioner was awarded 51 marks. The
first empanelled candidate was recommended by the
Commission for recruitment to the requisitioning

department. Thereafter he was informed that he was being appointed.

The petitioner on the other hand approached the tribunal assailing the recruitment process. It is the petitioner's case that he was higher in qualification and experience to the person who has been selected in the recruitment process.

Another ground raised by the petitioner today is that the recruitment process was done only by an interview and therefore lack of fairness. The petitioner was also holding a responsible post for more than 13 years as holding the charge of Assistant Director of Textiles of Presidency Division at Krishnagar, Nadia since 01.06.2022 and therefore he ought to have been given some preference in the recruitment process, which has not been done.

Learned counsel for the State on the other hand submits that the advertisement clearly specifies the essential qualifications for the recruitment in question. The recruitment was to be done by interview which has clearly been specified in the advertisement. The advertisement, however, stipulates that if a higher number of applications are received, the Commission will resort to screening test prior to the interview.

In the present case, the number of applicants was manageable and therefore without the screening test the candidates have been called for interview by a notice

dated 04.10.2023. The person who has been selected was higher in order of merit than the petitioner. There is no provision in the advertisement for granting any preference based on the length of experience of any candidate, let alone the petitioner.

Lastly, he submitted that the petitioner has not impleaded the selected candidate or the candidate at serial No.2 who was above him in the merit list and on this count also the writ petition is fit to be dismissed.

We have considered the rival submissions.

Upon going through the advertisement, we find that the same prescribed essential qualification which includes six years practical experience. There is no provision in the advertisement for giving any preference based on the length of experience.

We further find that the recruitment process for the temporary post was based on an interview, which also was clearly stipulated in the advertisement. Thus, the submission of the petitioner's counsel that because the recruitment has been done by interview, it is lacking of fairness is also unreasonable since he participated in the recruitment process with open eyes. In so far as the allegation that the first or second candidate was lower/inferior to the petitioner's merit, we also find no force in such bald allegations, moreso, since these two other persons placed above him in the merit list have not been impleaded as parties. There is sufficient

material on record to show that the petitioner was much inferior to the selected candidate.

Upon due consideration of all these factors, the tribunal has refused to interfere with the recruitment process. We find no infirmity in the decision of the tribunal.

The writ petition being WPST 30 of 2025 is accordingly dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)