

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Judgment (2)
Moumita
Daily list Item No. 1
Court No. 38
04.11.2025

**Present :
The Hon'ble Justice Aniruddha Roy**

W.P.A. 21282 of 2025

Mrinal Kanti Paira

Vs.

The State of West Bengal & Ors.

**For the Petitioner : Mr. Sujay Bandyopadhyay
Mr. Jagajyoti Das
Mr. Subhamoy Dutta
Ms. Lopamudra Patra**

**For the College Service Commission : Mr. Subhrangsu Panda
Ms. Ina Bhattacharya
Ms. Mithu Singha Mahapatra**

Heard on : 04.11.2025

Judgment on : 04.11.2025

Aniruddha Roy, J.:

1. Upon urgency pleaded and since the regular determination has been assigned to this Court, the writ petition has been taken up for consideration.
2. Affidavit-of-service, filed in Court today, is taken on record.
3. On the prayer of Mr. Sujay Bandyopadhyay, learned advocate appearing for the petitioner, leave is granted to the petitioner to file the supplementary affidavit. Supplementary affidavit filed in Court today is taken on record.
Copy has been served upon Mr. Subhrangsu Panda, learned advocate

appearing for the respondent nos. 4 to 6/the West Bengal College Service Commission.

4. Rest of the respondents are not represented, despite notice.
5. By virtue of a recommendation dated **April 25, 2023 Annexure p-8 at page 87** to the writ petition. The petitioner was recommended for the post of principal at **Pakuahat Degree College** (for short, the said college) by the College Service Commission. The petitioner is a science teacher and since the college does not have any science stream the petitioner on his own volition did not join the college as principal. The concerned selection process for the petitioner was for the year **2022**.
6. Since the petitioner opted for not joining for the post of principal at the said College, the respondent no. 1 was selected from the relevant panel and was recommended for the post of principal at the said College/respondent no. 10.
7. For whatever reasons the College authority, being respondent nos. 8 and 9, did not issue the appointment letter in favour of the respondent no. 10. The respondent no. 10 filed a writ petition, when a co-ordinate bench by its judgment and order dated **September 18, 2024 at page 109** to the writ petition, has directed the appointment to be granted in favour of respondent no. 10. The issue ultimately travelled up to the Hon'ble Division Bench and the appeal is pending.
8. The record shows the petitioner submitted several representations from time to time before the College Service Commission but the Commission has not considered any such representation.

9. Mr. Sujoy Bandyopadhyay, learned counsel appearing for the petitioner submits that till today no appointment letter has been issued by the Respondent No.11 for the post of principal of the College but the same may be issued any day.
10. Mr. Subhrangsu Panda, learned counsel appearing for the College Service Commission submits that there is no scope for any interim order as the petitioner has already chosen not to join at the post of principal of the College in terms of the 2022 selection process. He submits that subsequently 2024 selection process has been carried out and necessary recommendation has also been issued in respect of respondent no. 11.
11. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that, once the petitioner chose not to join the College at which he was recommended for the post of principal in 2022 selection process, there is no scope of passing any interim order in the writ petition. However, since the representations are still pending before the College Service Commission those may be directed for consideration in accordance with law.
12. In view of the above, the petitioner shall serve a copy of complete set of this writ petition along with a copy of today's order upon the respondent no. 5 forthwith.
13. The respondent no. 5 then upon issuing a prior notice of hearing of at least **seven days** to the petitioner and the College authority, the respondent no. 11 where the petitioner intends to join and after granting them an

opportunity of hearing shall decide the issue in the light of the case made out in the writ petition by passing a reasoned order in accordance with law.

14. The entire exercise shall be carried out and completed by the respondent no. 5 positively within a period of **six weeks** from the date of communication of this order and the reasoned order shall also be communicated to the petitioner and the respondent no. 11 within the said period of **six weeks**.
15. It is made clear that, this court has not gone into the merits of the case made out in the writ petition and the respondent no. 11 shall be free to urge whatever points they wish to urge before the respondent no. 5 but the same shall not travel beyond the scope of the case made out in the writ petition.
16. In the event, the reasoned decision goes in favour of the petitioner then the necessary recommendation shall be issued by the College Service Commission positively within **two weeks** from the date of the said reasoned order and the respondent no. 11 shall issue the necessary appointment letter in accordance with law positively within **two weeks** from the date of the receiving such recommendation to be issued by the College Service Case.
17. It is also made clear that, this order shall not create any right or equity in favour of the petitioner, if the petitioner does not succeed to his claim before the respondent no. 5 strictly in accordance with law.
18. In the event, the appointment letter has not yet been issued by the respondent no. 11 for the post of its principal, the appropriate authority of the respondent no. 11 shall not issue any appointment letter for a period of

eight weeks from the date of communication of this order to the respondent no. 11. The petitioner shall forthwith communicate this order to the respondent no. 11 also.

19. Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

20. With the above observations and directions this writ petition, **WPA 21282 of 2025** stands ***disposed of***, without any order as to costs.

(Aniruddha Roy, J.)