

07.08.2025
Item No.01
Court No.11
KCP

FMA 4712 of 2015
with
IA No. CAN 1 of 2016 (Old No.: CAN 114 of 2016)
and
IA No. CAN 2 of 2016 (Old No.: CAN 115 of 2016)
and
IA No. CAN 3 of 2025

Professor Ambuj Mahanti
- Versus -
Union of India & Ors.

Mr. Debajyoti Datta, Sr. Adv.
Mr. Shamit Sanyal,
Mr. Dip Jyotoi Chakraborty,
Ms. Sanchayita De.
...for the Appellant

Ms. Ashima Roy Chowdhury.
...for the U.O.I.

Mr. Bhaskar Mukherjee
Mr. D. Dutta
...for the respondent no.3

Records reveal that a writ petition being W.P. No.6133 (W) of 2013 was preferred by the writ petitioner/appellant herein primarily praying for the following relief :-

(a) Issue a writ of or in the nature of mandamus commanding the respondents and each of them and their men, agents and subordinates to refrain from taking any step and/or further step towards appointment in the post of director of IIM Calcutta without allowing the petitioner to participate in the interview and the

*selection process for appointment in the post of
director of IIM Calcutta;*

The said writ petition was disposed of by a judgment dated 23rd September, 2015. Aggrieved by the said judgment, the appellant writ petitioner/appellant had preferred the present appeal.

In the writ petition it was contended *inter alia* by the appellant that the procedure followed by the Indian Institute of Management, Calcutta (in short, IIM-C) for selection to the post of Director, which was advertised in the year 2012 was erroneous. It was also contended that the appellant initially applied in terms of a *website* advertisement dated 6th September, 2012 and in the midst thereof, a second advertisement was published in the newspapers on 6th October, 2012 for the same post of Director. The second advertisement, according to the appellant could not have been allowed to operate since the same would have the effect of changing the nature of the first advertisement.

Mr. Datta, learned senior advocate appearing for the appellant argues that the entire selection process was vitiated and the selection committee had acted *mala fide* and in a manner which had, in fact, benefited the private party at the expense of the authorities. Such argument, as urged, was glossed over by the learned single Judge.

He further contends that the selection committee itself did not act fairly and a deserving candidate was

not called. In the said conspectus, the learned Judge erred in law in refusing the relief to the appellant on a technical ground that the Director was not made a party to the writ petition.

He further argues that the learned single Judge erred in law in disposing of the writ petition even after coming to a conclusion that the selection committee had acted without application of mind and that the appellant's candidature was denied illegally.

Mr. Mukherjee, learned advocate appearing for the respondent no.3, however, denies and disputes the contention of Mr. Datta and submits that the appellant miserably failed to establish any *mala fide* or arbitrariness on the part of the authorities. The appellant's candidature was considered strictly in consonance with the prevailing rules. In the said conspectus, the learned single Judge rightly refused to exercise discretion in favour of the writ petitioner/appellant and there is no infirmity in the order impugned.

In course of hearing, we have been apprised that the appellant had already retired in the year 2017. The term of the then Director had also expired after five years. In view thereof, question of issuance of any direction for appointment to the appellant to the post of Director of IIM-C or to allow him to participate in a selection preprocess does not occur. In fact, with the efflux of time, the appeal itself has become infructuous.

In view thereof, the appeal and the connected applications are dismissed.

Needless to observe, nothing in this order shall prevent the appellant from initiating appropriate proceedings before any other forum, seeking reliefs, in accordance with law.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)