

19.02.2025

ItemNo.ML66
Court No. 23

Asraf, A.R.(Ct.)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 28093 of 2024

**MR. MANISH KUMAR
VS.
UNION OF INDIA & ORS.**

Ms. Debanwita Pramanik

....for the writ petitioner

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

The petitioner participated in a selection process for appoint of Manager (Projects-Civil)(E-3) conducted by Steel Authority of India Limited, IISCO Steel Plant by an advertisement dated 12th March, 2024. In the said advertisement, the documents which were to be uploaded along with online application in respect of a candidate submitting his candidature for Manager (E-3)/Manager (Projects)(E-3) are follows :-

- “(i) Matriculation certificate*
- (ii) Pass Certificate of B.E./B. Tech of relevant discipline.*
- (iii) Experience certificate(s).*
- (iv) Document(s) in support of experience of minimum two years in the immediate below grade/pay-scale, if applying from other PSUs/Govt.”*

The petitioner was issued a call letter informing him that he is to appear at Burnpur for personal

interview on 19th October, 2024 at 9 am. The documents which were to be carried by the petitioner to the interview were also enumerated therein. One of the documents so required to be produced at the time of interview is “release order / NoC from the present employer in case the candidate was working in “Central/State Government / Public Sector Enterprises / Autonomous body”. Admittedly, the petitioner was an employee of the State of Bihar and, as such, was required to carry the said release order / NoC. Having failed to do so, the petitioner’s candidature was rejected. The petitioner says that he had applied to his employer, the Government of Bihar, immediately upon receiving the call letter on 5th October, 2024, the petitioner applied for the release order / NoC. The petitioner also says that although at the time of his personal interview, he did not have in his possession the release order / NoC but subsequently the release order / NoC was directly sent by his employer, the State of Bihar, to Steel Authority of India, IISCO. The petitioner also says by referring to the electronic mail at page 28 and the NoC at page 29 respectively being Annexure P-6 and P-7 to the writ petition that NoC was issued on 18th October, 2024 and had been sent by electronic mail dated 19th October, 2024. From the time specified in the electronic mail it appears that the same

had been sent at 04:07 pm, i.e., much after the petitioner had appeared in the personal interview which was fixed on 19th October, 2024 at 9 am.

It is well-settled position in law that the eligibility criteria fixed in a selection process has to be met on the date of the advertisement or if any other date is specified in the advertisement on that date or in absence of any date or stipulation then on the last date for submission of the application form will be the cut-off date.

In the instant case, though in the advertisement, the release order / NoC was not stated but in the call letter which the petitioner has admitted to have received on 5th October, 2024, it was stated in clear and unambiguous manner. The release order / NoC was to be produced at the time of interview. It is also evident that at the time when the petitioner faced the personal interview, the petitioner was not in a position of the interview. The production of released order / NoC after the interview was over is of no consequence.

The writ petition, therefore, cannot be entertained to permit the petitioner's candidature to be reconsidered in the light of the release order / NoC. Moreover, the interview took place on 19th October, 2024 and the writ petition was filed on 25th November, 2024 that is after about a month. This Court is also not

inclined to interfere with a selection process the fixed interview whereof was held on 19th October, 2024

The writ petition is accordingly **dismissed** without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(**Arindam Mukherjee, J.)**