

04.04.2025
(D/L 20)
Ct.-17
(Susanta
Samar)

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

APPELLATE SIDE

W.P.A. 118 of 2025

Biswarup Dey

-Vs-

The State of West Bengal & Ors.

Mr. Sujit Saha,
Mr. Shibnath Das. For the Petitioners.

Mr. Pulak Ranjan Mondal, Sr. Adv.,
Ms. Bandana Mondal,
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra,
.... For the W.B.C.S.C.

Mr. Swapan Kumar Datta, Ld. AGP,
Mr. Rajat Dutta,
.... For the State.

Learned advocate for the petitioner files the exception/affidavit-in-reply to the report of the West Bengal College Service Commission; let it be kept with the record.

The West Bengal College Service Commission by an advertisement dated December 24, 2020 had invited online applications from the eligible candidates for recruitment in the posts of Assistant Professors in different subjects of Government aided colleges in the State of West Bengal.

The petitioner had participated in the said selection process for the post of Assistant Professor of Anthropology under the unreserved category.

The grievance of the petitioner is that though he was called for interview, but ultimately was not recommended for appointment.

Mr. Pulak Mondal, learned senior advocate for the West Bengal College Service Commission (hereinafter referred to as the 'Commission' in short) submits that the petitioner could not be recommended as there was no vacancy in the category she applied for. He further submits that in the advertisement for appointment, the Commission had made it clear that the Commission's responsibility is restricted to the accurate compilation of vacancies as reported by Colleges and the Commission will not be responsible for absence of vacancy under any category of any subject for non-receipt of requisition from any State aided college.

The Commission in its report has disclosed that the vacancy list was published by the Commission for the post of Assistant Professor in the subject of Anthropology before publication of the provisional merit panel, since there is no vacancy in any college throughout the State of West Bengal under unreserved category, the petitioner cannot be recommended for appointment.

The petitioner in the reply to the said report though has relied on the information received by him on an application under the provisions of the Right to Information Act, 2005 that there are two vacancies in Sarojini Naidu College for Women under the category the petitioner had applied for but such vacancy being occurred subsequent to the publication of the merit

panel of the selection Test in which the petitioner had participated, is irrelevant.

In the aforesaid factual backdrop, the petitioner is not entitled to be recommended for appointment in the post he had applied for, accordingly, the writ petition being W.P.A. 69 of 2025 is dismissed without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)