

**16.02.
2026**

Ct. No. 24

Ab

**WPA 605 of 2026
CAN 2 of 2026**

Dr. Uma Mandal

Vs.

**The West Bengal University of Health Sciences
and others.**

**Mr. Rittick Chowdhury,
Ms. Mallika Manna.**

... for the petitioner.

**Mr. D. N. Maiti,
Mr. A. Santra.**

... for the respondent nos. 1 and 2.

**Mr. D. N. Ray,
Mr. S. Ghosh,
Mr. B. Nandy.**

... for the added respondents.

1. The petitioner aggrieved that she has been classified as an ineligible candidate for the post of Associate Professor in Anaesthesiology.
2. The petitioner's grievances are enumerated hereinafter:
 - (a) In the notification of January 2, 2026, no application for the post of Associate Professor has been called for.
 - (b) Grounds of eligibility to the post of Associate Professor have not been specified.
 - (c) The eligibility criteria has not been enunciated.
 - (d) The initial notification for the said post of November 26, 2025 had all these particulars, but the same were not specified in the subsequent notification.

3. The grievance of the petitioner is also that the date of October 31, 2025, which had been fixed, as the cut-off date for eligibility has been done arbitrarily and particularly, since the petitioner becomes ineligible by about two months and a few days. This, as the eligibility criteria specifies that interested persons in the rank of Assistant Professor in a subject should have four years in a recognized medical institution or five years for those appointed directly as Assistant Professor in Government Medical Institution. The petitioner completes such tenure of four years on January 3, 2026. Hence, she is ineligible.
4. Mr. Ray, learned Advocate appearing for the added respondents, submits that the notification/notice of January 2, 2026 is, in fact, a continuation of the notification of November 26, 2025. In this notice of November 26, 2025, particulars of applications and formats had already been specified and the date by which such applications were to be made, has also been specified. In fact, he points out that from the notification of the National Medical Commission dated January 30, 2025, the eligibility criteria has been fixed and adhered to by the concerned University and College.
5. Mr. Maiti, learned Advocate appearing for the respondent nos. 1 and 2, submits that the

petitioner's candidature had been duly considered and since the petitioner was unable to qualify, as she did not have the requisite four years experience, she was found to be ineligible and, hence, her candidature was rejected.

6. I have heard the learned Advocates appearing for the parties and considered the records of this case.
7. The petitioner's grievance that the notification of January 2, 2026 fixing the cut-off date as October 31, 2025 is arbitrary is without any reason. This allegation that the cut-off date is arbitrary, merely because the petitioner does not qualify for the same, cannot be construed as arbitrary. In fact, the notice of January 2, 2026 is a mere continuation of the notice of November 26, 2025, which had been postponed on December 19, 2025.
8. The notice of January 2, 2026 was merely for the purpose of re-fixing and/or rescheduling the date and time of interview as the earlier date and time in the notice of November 26, 2025 had already lapsed.
9. Read together (26.11.2025 and 02.01.2026), the instructions are clear and unequivocal and leaves no room for any conjecture or surmise. In fact, the petitioner had also submitted her application within the date stipulated in the notice of November 26, 2025. The petitioner was found to be ineligible after being duly considered in the list of eligible

candidates for departmental promotion, as published on January 7, 2026.

10. The petitioner's candidature was rejected as on the date of consideration (31.10.2025), she had not fulfilled the stipulated tenure of four years, as specified in the notification issued by the National Medical Commission.
11. The petitioner had participated in the process and submitted her application for being considered for the post of Associate Professor by the date as stipulated in the notice of November 26, 2025. The petitioner had not raised any objection to such notification nor had the petitioner challenged the factum that the cut-off date for the eligibility criteria had already been fixed as October 31, 2025. The petitioner took a chance and participated in the process, knowing fully well that the cut-off date had been fixed as October 31, 2025. In fact, even after the notice of January 2, 2026, which was in continuation of the earlier notice of November 26, 2025, the petitioner did not challenge the same. It is only after the list of eligible candidates was published on January 7, 2026, that the petitioner chose to approach this Court by way of the instant writ petition on January 9, 2026, challenging the entire process, including the fixation of the cut-off date by the authority. The petitioner's belated

challenge, after coming to learn that she had been declared as ineligible is nothing short of an opportunistic litigant and should not be given any credence.

12. Merely because the petitioner was not eligible on the date of cut-off and fell short of the stipulated eligibility criteria, her insinuations and allegations, which are unsubstantiated and un-corroborated, cannot be construed as a reason to disrupt the entire process, thereby prejudicing the rights that may have accrued to eligible candidates who participated in the interview, which was held on January 16, 2026.
13. In view of the afore-stated, I find no irregularity in the rejection of the petitioner's candidature by the concerned authority.
14. The writ petition is, accordingly, dismissed.
15. In view of the dismissal of the writ petition, the subsisting interim order is also vacated. CAN 2 of 2026 is disposed of accordingly.
16. The authorities are at liberty to proceed with the interview process with the eligible candidates for the post of Associate Professor in the subject of Anaesthesiology.
17. There shall, however, be no order as to costs.
18. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual

undertaking.

(Reetobroto Kumar Mitra, J.)