

(2018) 06 CAL CK 0128
In the Calcutta High Court
Case No : Writ Petition7486 (W) of 2018

Sambhunath Payra

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 11-06-2018

Acts Referred:

Citation : (2018) 06 CAL CK 0128

Hon'ble Judges : ARINDAM SINHA, J

Bench : Single Bench

Advocate : Soumen Kumar Dutta, G.N. Imrohi, A.P. Lahiri, S.P. Lahiri

Final Decision : Disposed Of

Judgement

This writ petition has been listed under the heading To Be Mentioned and taken up on urgent basis. Affidavit-of-service is filed but in spite thereof

College is not represented. Petitioner is a candidate for being appointed in Group- D Post for which selection process has been undertaken by Kalna

College.

Mr. Dutta, learned advocate appears on behalf of petitioner and submits, college had followed the prescribed procedure in notifying advertisements.

However, he submits, in violation of the rules guiding selection process the college uploaded yet another advertisement/notice on their website on 30th

May, 2018. It would appear in this notice that apart from those candidates who had complied with the requirements for participating in walk-in-

interview, others wanting to apply for Group-D post were thereby purportedly given opportunity to also attend and be interviewed. This college

authorities did not have power to do. He refers to notification dated 25th August, 2017 by which Government framed guidelines for conducting

selection process by College Authority for recruitment of non-teaching employees in Government aided colleges. He refers to guideline no.4 which is

as follows:

4. The Governing Body shall advertise the post intended to be filled up in at least two dailies having circulation in the district concerned in which

the college is situated, one in English (if available) and the other in Bengali, and also display notice in the College's website and Notice Board.

He relies on two decisions of Supreme Court. First is Union of India & Ors. vs. B. Valluvan & Ors. reported in (2006) 8 SCC 686, to paragraph 10 in

which the said Court said, inter alia, as follows:

10. Recruitment process, as is well known, must be commensurate with the statute or the statutory rule operating in the field. We have noticed

hereinbefore, advertisement was made for three posts. It was not indicated therein that another panel for filling up of the future vacancies was to be

prepared by the Selection Committee. In the select list prepared by the Selection Committee, the name of the 1st respondent was at Sl. No.4.

Recommendations were made containing the names of 19 persons for future vacancies. Only because a panel has been prepared by the Selection

Committee, the same by itself, in our opinion, would not mean that the same should be given effect to irrespective of the fact that there was no such

rule operating in the field.

The Selection Committee was bound to comply with the selection process only in terms of the extant rules. It was bound to follow the stipulations

made in the advertisement itself. Even in the advertisement it was not indicated that a select list would be prepared for filling up of future vacancies.

The Selection Committee, having been appointed only for recommending the names of suitable candidates, who were fit to be appointed, could not

have embarked upon the question as regards likelihood of future vacancy.

Secondly, M.P. State Coop. Bank Ltd. Bhopal vs. Nanuram Yadav and Ors reported in (2007) 8 SCC 264, paragraph 24 in which the principles to be

followed in the matter of public appointments had been declared. Mr. Lahiri, learned advocate appears on behalf of State and opposes this writ

petition. This Court is unable to appreciate any infraction of the rules. Petitioner's case is that notification by advertisements as prescribed was

made by the college. Wider publicity is sought to be achieved by the college in

allowing those who had not made bank deposit and obtained online admit card to also walk in for interview. This cannot be deemed as infraction of the rules. In the event college had not done what was prescribed in the matter of notifying the selection process interference may have been warranted. The college did something more. Petitioner is at liberty to participate in the selection process. With the above observations this writ petition is disposed of.