

(2019) 09 CAL CK 0159

In the Calcutta High Court

Case No : Writ Petitions (WP) No. 15803 (W) Of 2019

Soumen Ghosh

APPELLANT

Vs

State Of West Bengal & Ors

RESPONDENT

Date of Decision : 02-09-2019

Acts Referred:

Right To Information Act, 2005 — Section 6

Citation : (2019) 09 CAL CK 0159

Hon'ble Judges : Tapabrata Chakraborty, J

Bench : Single Bench

Advocate : Raghu Nath Adhikary, Sanjita Mondal, Subhrangsu Panda, Aninda Sundar Chatterjee, T. Dhali, Angshuman Chakraborty

Final Decision : Dismissed

Judgement

Tapabrata Chakraborty, J

Affidavit of service filed by the petitioner be kept on record.

The present writ petition has been preferred challenging, inter alia, a memo dated 25th July, 2018 issued by the Principal of the Behala College (in short, the said College).

Mr. Adhikary, learned advocate appearing for the petitioner submits that the petitioner was initially appointed as a Temporary Laboratory Attendant in Chemistry in the said College in the year 2011. In support of such contention, he has drawn the attention of this Court to a certificate issued by the Principal of the said College, as annexed at page 17 of the writ petition. Subsequent thereto, on 1st December, 2017 a notice was issued by the respondent no. 6 inviting applications for filling up two Non-teaching posts. One post was of Laboratory Attendant in Computer Science (Group D) (Reserved for OBC-B) and the other post was for Laboratory Attendant in Electronics (Group D) (Unreserved). The petitioner belongs to OBC category and he applied for both the two posts and he was called for interview in respect of the concerned posts on 25th January, 2018

and 3rd June, 2018. Surprisingly thereafter, the results were not published and no information was furnished to the petitioner by the College authorities. Aggrieved thereby, the petitioner submitted an application under section 6 of the Right to Information Act, 2005 on 22nd December, 2018 to the respondent no. 6. But the same was also not attended to. Aggrieved thereby, the petitioner submitted a further representation, through his learned advocate, to the respondent no. 6 on 11th February, 2019 but the same has not yet been considered.

Mr. Adhikary further submits that by a memo dated 25th July, 2018 the respondent no. 3 stated that the petitioner's service is no more required from 30th July, 2018 and the College authorities have proceeded in a clandestine manner to accommodate candidates of their choice in the concerned posts.

Mr. Chakraborty, learned advocate appearing for the College authorities submits that the petitioner duly participated in the selection process. The selection committee interviewed the candidates, including the petitioner but unfortunately he did not come within the zone of consideration. He further submits that the petitioner's representation submitted through his learned advocate on 11th February, 2019 was answered by the respondent no. 6 by issuing a letter dated 8th March, 2019 and the same has also been sent to the petitioner as well as to his learned advocate. The results pertaining to the said interview were also uploaded in the official website. Let the documents, as produced, be kept on record.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears from the score sheet, as produced before this Court, that the petitioner secured less marks than the marks obtained by the first three candidates in the panels prepared and as such the College authorities could not appoint the petitioner in the concerned posts.

Presently the persons, who had been selected on the basis of such selection process, had already been appointed by the said College authorities and such appointments have been approved by the respondent no.3. As the regular vacancies have already been filled up, there is no requirement at present to continue the service of the petitioner on part-time basis and as such it was indicated in the memo dated 25th July, 2018 that the College authorities would contact the petitioner as and when necessary.

The steps taken by the College authorities do not suffer from any infirmity warranting interference of this Court.

The writ petition is, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the

learned advocates for the parties upon compliance of all necessary formalities.