

22.04.2026
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MAT 695 of 2026
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IA No.: CAN 1 of 2026 [Stay]
Dr. Debaprasad Paul & Others
– *Versus* –
The State of West Bengal & Others

Mr. Prosenjit Mukherjee,
Mr. Nirmalya Kuamr Das,
Mr. Jahangir Hossain,
Ms. Babita Pramanik
.... for the Appellants.

Mr. A. K. Ganguly,
Mr. Bellal Shaikh
.... for the State/Respondents.
Mr. Subhrangsu Panda,
Ms. Ina Bhattacharyya,
Ms. Mithu Singha Mahapatra
.... for the WBCSC/
Respondent nos.5-7.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred by the writ petitioners/appellants challenging an order dated 10th April, 2026 passed in a writ petition, being WPA 7992 of 2026. The writ petition was preferred primarily praying for relaxation of age for participation in the selection process for the post of Assistant Professor, as advertised by the West Bengal College Service Commission (in short, the Commission) on 26th February, 2026. The learned single Judge, however, refused to exercise any discretion in favour of the appellants and dismissed the writ petition.

At the inception, Mr. Mukherjee, learned advocate appearing for the appellants submits that the date for submission of *online* application in terms of the advertisement, which was previously fixed on 15th April, 2026, has been extended upto 15th May, 2026. Such contention has not been disputed by Mr. Panda, learned advocate appearing for the Commission. Let the notification, as placed, kept on record.

We have heard the learned advocates appearing for the respective parties.

From the said advertisement dated 26th February, 2026, it appears that only the eligible candidates would be called for interview for selection, if the concerned candidate applies *online*. Clause 5(ii) of the said advertisement provides, *inter alia*, as follows:

‘5. Age

i) *** *** ***

ii) *Exceptionally qualified over-aged candidates having Ph. D Degree, with evidence of significant Post-Doctoral research work may be called for the interview at the discretion of the West Bengal College Service Commission only in the rarest cases, but mere participation in the selection process does not entitled the candidate for recommendation unless the overage of the incumbents condoned by the State Government*

at its discretion on case-to-case basis, purely on merit, normally not exceeding 1 (one) % of the total number of candidates of concerned panel, rounded off to the next whole number.'

Mr. Mukherjee argues that the advertisement itself provides a window for consideration of exceptionally qualified over-aged candidates by the Commission only in the rarest cases and as such discretion for consideration has been conferred upon the Commission, the appellants' candidature cannot be rejected outright and they should be allowed to submit their *online* applications for such consideration.

As the date for *online* application has been deferred for a month, we keep the matter returnable for further consideration on 6th May, 2026.

Mr. Panda is directed to avail all necessary instructions pertaining to the issue, as urged above, by Mr. Mukherjee.

List the matter, accordingly, on 6th May, 2026.

(Rai Chattopadhyay, J.)

(Tapabrata Chakraborty, J.)