

MAT 821 of 2020
with
CAN 1 of 2020
with
CAN 2 of 2020

The Principal Manbhum Mahavidyalaya

- Versus -

Sarada Mondal (Das)& Ors.

(Through Video Conference)

Mr. Partha Sarathi Bhattacharjee
Mr. Avishek Prasad
Ms. Ankita Dey

.....For the appellant

Mr. Soumen Dutta
Mr. Subhadeep Chatterjee

**.....For the writ petitioner/
respondent no. 1**

Mr. Swapan Kumar Datta

.....For the respondent nos. 2 & 3

Re: CAN 1 of 2020

This is an application for condonation of delay. Apparently there is a delay of about 310 days in presenting the memorandum of appeal.

Considering the explanation for not being able to present the appeal within the statutory period, the delay of 310 days in preferring the appeal, is condoned.

The application for condonation of delay is allowed.

Re: MAT 821 of 2020
with
CAN 2 of 2020

By consent of the parties the appeal and the stay application are being heard. Prima facie, we are of the view that eligibility criteria for selection to Group-D posts

through 'Walk-in-interview' mode is discriminatory and Clauses 5 and 6 are in conflict with each other.

We are also of the prima facie view that having regard to the nature of the job that a candidate is required to perform upon being selected in Group-D posts, there is no requirement in knowledge in computer operation. Moreover, reference has been given to a contractual and temporary candidate in the concerned college by awarding additional marks depriving other candidates which apparently is discriminatory.

Learned counsel for the college has relied upon an order dated 20th September, 2018 passed by a co-ordinate Bench in which similar issue is raised and the Hon'ble Division Bench appears to have passed an order that any appointment made to the posts of Group-D staff for which the appellant/writ petitioner in the said appeal being MAT 714 of 2018 made a claim shall abide by the result of the appeal.

However, having regard to the fact that the writ petitioner has raised a substantial question of law, the writ petitioner is entitled to an interim relief.

On such consideration, we do not find any reason to interfere with the order passed by the single Judge.

However, having regard to the fact that it concerns recruitment of Group-D staff in college concerned and similar issues are involved and again some of the orders under appeals are pending while disposing of the writ petition without disturbing the interim order passed by

the single Judge, we direct the memorandum of appeal in MAT 821 of 2020 to be listed along with MAT 13 of 2019 with CAN 2 of 2019, MAT 714 of 2018 along with CAN 6118 of 2018 and MAT 1598 of 2018 with CAN 10241 of 2018 and MAT 1599 of 2018 with CAN 10242 of 2018 on 23rd March, 2021 under the heading “For Hearing” at 2.00 p.m.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)