S/L 07
13.10.2026
Court No.04
B.K.N

F.M.A. 134 of 2024

Pijush Mitra
Vs.
State of West Bengal & Ors.

Ms. Dona Ghosh,
Mr. Rananeesh Guhathakurata

... for the Appellant.

Mr. Dr. Madhusudhan Saha Roy,
Ms. Debangana Dey,
Mr. Debanjan Chatterjee

... for the Respondent Jadavpur University.

1. Heard the learned advocate for the writ petitioner/appellant.
2. The writ petitioner participated in a process of recruitment of peons. The recruitment process was conducted under a procedure for recruitment contained in resolution no. 51 dated 05.01.2016 of the Executive Council. The procedure contemplated a written test for short listing of candidates who were to be subjected to interview for the purposes of appointment. The writ petitioner appeared in the written examination and his name figured in panel of 166 candidates published on 19.03.2018. The petitioner along with the other candidates whose name was published in the list was called for interview. In the interview, the petitioner did not obtain marks as much as the private respondent who was selected.
3. It is submitted by the learned advocate for the writ petitioner that the resolution dated 05.010.2016 contemplated that on the basis of performance in the written test, candidates will be short listed for the next

stage (interview), four times the number of vacancies. The vacancies being 22 the number of candidates short listed for interview was in excess of the specified number as per the recruitment process. The same amounts to a change in the rules of the game during the midst of the recruitment process. The selection as a result, therefore, is unsustainable.

4. The learned advocate for the University has opposed the prayer. It is submitted that the Hon'ble Single Judge Bench has considered the writ petitioner's claim and found that the writ petitioner was inferior in merit to be selected candidate. Whereas the writ petitioner secured 59 marks in the written examination, he secured 13.5 marks in the interview. The selected candidate, however, secured 56 marks in the written test. After the short listing, the private respondent secured 22 marks in the interview placing him above the writ petitioner. The selected candidate is superior to the writ petitioner whether considered on the basis of marks in the interview or the marks in aggregate.

5. Insofar as the alleged change in the criteria is concerned, the same is denied. It is stated that the short listed candidates were duly notified by a notice dated 19.03.2018, wherein 166 candidates were enlisted, including the writ petitioner. Without raising any objection, the writ petitioner, based on his result in the list, participated in the interview. Under these

circumstances having taken his chance and emerged unsuccessful, he is estopped from raising an issue now.

6. We find force in such submission of the learned advocate for the respondent University. The submission is founded on facts which are borne from record.
7. We further find that the recruitment process does not in absolute terms state the number of persons to be short listed. The literal meaning from a plain reading of the recruitment process as stated in Clause 3F, indicates that *"normally"* candidates will be short listed in the manner specified therein.
8. In the instant case the number of candidates short listed was in excess of the manner specified therein, but duly notified well before the interview. The petitioner without raising any demur participated in the interview based on this result.
9. We, therefore, find no infirmity in the decision of the Hon'ble Single Judge Bench dismissing the writ petition.
10. The appeal is dismissed.
11. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)