

01.07.2026
Item No.22
Court No.01
KCP

WPCT 211 of 2025

**Payel Das Dan & Ors.
- Versus -
Union of India & Ors.**

Mr. Bhaskar Roy
Ms. Sahili Dey
Ms. Debangana Dey
.... for the Petitioners

Mr. Tushar Kanti Har
Mr. Jasojeet Mukherjee
.... For the Union of India

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

The present writ petition has been preferred challenging an order dated 13th May, 2025 passed in the original application being O.A. No.350/997/2022 which was initially preferred by 20 applicants. Upon exchange of pleadings, the original application was dismissed by the order impugned. Challenging the said order, six original applicants have approached this Court.

Records would reveal that the railway authorities published a General Departmental Competitive Examination (GDCE) notification dated 17th January, 2022. Responding to the same, the applicants/writ petitioners herein applied for

participation and they were issued admit cards. The said examination was comprising of a Computer Based Test (CBT) followed by a typing test, document verification and medical examination. The said notification stipulated *inter alia* that the Typing proficiency Test would be of a qualifying nature and that the marks obtained in qualifying test shall not be added for determining merit. After completion of the examination, a list of successful candidates was published in which the names of the petitioners did not feature. Aggrieved thereby, the petitioners submitted a representation dated 1st June, 2022 stating *inter alia* that they did not use the editing tools for the typed matter because it was clearly instructed in the notification as well as in the admit card that use of editing tools for correcting the mistakes in typed matter will not be allowed. The said representation was, however, not responded to and as such, the petitioners were constrained to approach the learned Trial Court.

Mr. Roy, learned advocate appearing for the petitioners strenuously argues that backspace key was a part and parcel of editing tools. Such fact would be explicit from the Railway Board circulars issued for selection in several divisions. However,

the candidates were illegally allowed to use the backspace option in spite of a specific rider in the notification that the typing proficiency test would be of qualifying nature without editing tools. In spite of such specific bar towards utilization of backspace option, many candidates were allowed to use the said option in the concerned test and as a consequence thereof, the petitioners had been discriminated. Such issue, as urged, was glossed over by the learned Tribunal and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Roy further submits that the learned Tribunal by an order dated 23rd June, 2022 directed the respondents to clarify whether the backspace is an editing tool and whether the applicants selected had used the backspace. In spite of such direction though no clarification was furnished, the learned Tribunal abruptly dismissed the original application.

Mr. Har, learned advocate appearing for the Union of India and its functionaries denies and disputes the contention of Mr. Roy and submits that no document could be produced by the petitioners to establish that backspace is a component of editing tools. All the candidates who appeared in the said

examination were uniformly given the advantage of using the backspace.

He argues that all the candidates were called for a mock test before the typing test was held on 28th April, 2022 and all of them were informed that they would be allowed to use the backspace key. The petitioners did not raise any objection as regards the use of backspace during the mock test. In view thereof, the allegation that the authorities have practiced discrimination is not sustainable.

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

Indisputably, in the notification dated 1st June, 2022 it was specified that typing proficiency test will be of qualifying nature without editing tools and the marks obtained in the qualifying test shall not be added for determining the final result. In the admit card issued to the petitioners it was also specifically incorporated that *'use of editing tools for correcting the mistakes in the typed matter will not be allowed'*. The backspace key is a common key of the keyboard like any other key which is not treated as an editing tool. All the candidates were uniformly given the advantage of using the backspace key and as such,

the argument advanced on behalf of the petitioners that the authorities have practiced discrimination was rightly discounted.

The examination was conducted way back in the year 2022 to fill up 287 vacancies. The successful candidates were not made parties to the original application. At no juncture, the respondents were also restrained from filling up the said posts. Acceptance of the petitioners' plea at this belated stage would unsettle a settled status and the persons' appointed would be severely prejudiced. Furthermore, it is not a case that the petitioners were unaware at the time of participation in the examination that backspace is not a component of editing tools. They appeared in the examination without raising any objection. Having participated in the examination they cannot turn back and challenge the selection process since the result was not palatable to them. The Railway Board circular dated 4th February, 2011, upon which reliance was placed by the petitioners, does not state or clarify the tools which may be construed as editing tools.

The learned Tribunal extensively dealt with the factual issues and arrived at specific findings and we do not find any infirmity in the same.

For the reasons discussed above, we are unable to grant the reliefs, as prayed for by the petitioners and the writ petition being WPCT 211 of 2025 is, accordingly, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, A.C.J.)