

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 92 of 2011

Sri Sumit Kumar Singh,
son of Sri Aravind Kumar Singh,
now residing at Satyen Bose Hostel,
Narsingarh, Agartala,
District-West Tripura

.....**Petitioner**

VERSUS

1. The Union of India
represented by the Home Secretary,
Ministry of Home Affairs,
Government of India,
New Delhi-110011.

2. The Director General
of Central Reserve Police Force,
New Delhi-110003

3. The Commandant,
_____ Bn. Central Reserve Police Force,
Agartala, West Tripura, Salbagan-799012.

4. Smti. Rupa Karmakar
Force No. 105351363
Serving under the respondent No. 3.
Notice to be served upon the respondent No. 4
through the respondent No. 3.

.....**Respondents**

**BEFORE
THE HON'BLE MR. JUSTICE UB SAHA**

For the petitioner	: Mr. S Deb, Sr. Advocate Mr. S Datta, Advocate
For the respondents	: Mr. A Roy Barman, CGC
Date of hearing and delivery of judgment	: 25.11.2015.
Whether fit for reporting	: No.

JUDGMENT AND ORDER (ORAL)

The instant writ petition is filed by the petitioner Sri Sumit Kumar Singh for setting aside the appointment of the respondent No.4 and also for directing the respondent-Union of India not to give effect to the appointment of the respondent No.4.

2. Heard Mr. S Deb, learned senior counsel assisted by Mr. S Datta, learned counsel for the petitioner as well as Mr. A Roy Barman, learned CGC appearing for the respondent-Union of India.

3. Brief facts of the case are as follows:

An advertisement was published in the local newspaper "Tripura Times", Agartala on 29.08.2010 for recruitment to the post of Constable (Duftry/Peon/Farash/Safai Karmachari) and consequent thereto the petitioner applied for the said post. In the selection process, the petitioner's performance was regarded to be the best and the petitioner understood that he ranked first in the selection process. Ultimately, the respondent No.4 was appointed against which the petitioner made representation to the different authorities but to no result. It is further stated that the selection process comprised of physical test and the entire examination process was conducted under CCTV camera. In the run conducted for selection, the petitioner stood first as would be revealed from the CCTV recordings.

4. The respondent-Union of India by filing affidavit-in-opposition denied the allegation of the petitioner regarding the process of selection. It is stated that the writ petitioner along with 54 other candidates appeared in the General category for 01 post of Constable (Peon) and 06 candidates appeared in the ST category for 01 post of

Constable (Peon). Although the vacancies were notified for the candidates belonging to the State of Tripura, the petitioner belonging to Bihar was allowed being CRPF ward, as per para 6 of the advertisement. Out of the 55 General category candidates who appeared for the post of Constable (Peon) the Recruitment Board selected 11 candidates including the petitioner as suitable for the post of Constable (Peon). As per the merit list of the selected candidates of General category drawn for the post of constable (Peon), Smt. Rupa Karmakar, Respondent No. 4 was placed on the top of the merit list as she obtained a total of 35 marks out of 50 marks whereas, the petitioner was placed at Sl. No. 10 as he obtained a total of 22 marks out of 50 marks. As there was only one post in the General category, respondent No.4 was appointed in the said post being she was ranked 1st in the select list.

5. Mr. Roy Barman, learned CGC relying upon the select list (Annexure-R2 to the affidavit-in-opposition) submits that the petitioner has made no case even for consideration of his candidature for the purpose of recruitment.

6. Selection is made by an expert authority and this Court has no expertise and as such it would not be proper for this Court to interfere with the select list. Every candidate may consider that he has done better in the examination but that itself would not be the decisive factor. The Court has to go by the selection process, particularly, the select list and in the instant case it appears from the select list that the respondent No. 4 was at the top of the list so far the general category candidates are concerned. Thus, no case is made out for any interference by this

Court regarding the appointment of the respondent No.4, as she stood first.

7. In the result, the writ petition is dismissed.

No order as to costs.

JUDGE

lodh