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**W.P.A. 6535 of 2020
IA No. CAN 1 of 2020
Old No. 5293 of 2020
(Via Video Conference)**

**Probhas Banerjee
-vs-
Union of India & Ors.**

**Mr. Amiya Kumar Dutta,
Mr. Prasun Kumar Dutta,
Mr. Swadesh Priya Ghosh.
...For the Petitioner.**

**Mr. Achin Majumder.
...For the UOI.**

In response to a notification for the post of Gramin Dak Sevak Cycle-II/2019, West Bengal Circle the petitioner applied for being engaged in the post of Gramin Dak Sevak. The eligibility criteria mentions that a candidate who passed Class-X examination in the first attempt will be treated as meritorious.

The petitioner claims that he obtained 94.71% in the Class-X examination in his first attempt.

The application of the petitioner was however, rejected as the petitioner did not upload his Class-X mark-sheet.

The petitioner is aggrieved by the rejection of his candidature.

The learned advocate appearing for the respondents submits that according to the notification, candidates having both marks and grades in the marks

list have to apply with marks only. In case any candidate applies with grades only his application is liable for disqualification.

The respondents further rely upon the clause, which mentions that the applicants who submitted applications with incomplete data will be rejected from consideration.

The respondents stress upon the fact that as the mark-sheet of the petitioner was not uploaded his marks could not be verified and accordingly, his application stood rejected.

Upon going through the notification, it appears that the document which is required to be mandatorily uploaded at the time of making the application is the SSC Mark-Sheet/SSC Mark Memo/SSC certificate having marks/grades/points.

The petitioner has annexed a photocopy of the online engagement application that he filed. The marks obtained by him in the Class-X examination are categorically mentioned. The documents uploaded column mentions that he uploaded the Class-X certificate. The Class-X certificate issued by the West Bengal Board of Secondary Education for Madhyamik Pariksha (Secondary Examination), 2013 mentions that the petitioner got the overall Grade AA.

From the aforesaid, it is clear that the petitioner duly applied with the marks specifically mentioned and also uploaded his certificate wherein his grade has been mentioned. The documents and the data supplied by the petitioner at the time of making his application for engagement are strictly in accordance with the

advertisement published for engagement by the respondent authorities. The application of the petitioner ought not to have been rejected on the ground of non-submission of the Class-X mark-sheet.

The selection criteria specifically mentions that either of the documents mentioned therein is required to be mandatorily submitted. The petitioner having supplied his marks and his grade certificate was eligible for being considered for engagement.

In view of the above, the impugned action of the respondent authorities in rejecting the application of the petitioner on account of non-submission of his mark-sheet is illegal and arbitrary.

The respondent Nos. 2 and 6 are directed to take immediate steps for entertaining the application of the petitioner and considering the same on merits.

In the event the petitioner qualifies on merits, necessary follow up steps shall be taken by them strictly in accordance with law.

The said respondents shall ensure that the candidates having less marks than the petitioner are not appointed prior to giving appointment to the petitioner.

W.P.A. 6535 of 2020 and CAN 1 of 2020 are disposed of.

Urgent photostat certified copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Amrita Sinha, J.)