

15.01.2021
Sl. No.38
akd

M.A.T. 286 of 2020
(CAN 1 of 2020) (Old CAN No. 1631 of 2020)
(via video conference)

[Sukhen Sen & Anr. -Vs- The State of West Bengal & Ors.]

Mr. Shuvro Prakash Lahiri
... .. for the appellants

Mr. Ekramul Bari
Syed Mansur Ali
Ms. Tanuja Basak
... .. for the respondent nos.7, 8 & 9

Mr. Rajarshi Basu
Mr. Bitasok Banerjee
... .. for the respondent no.4, 5 & 6

By consent of the parties, the appeal and the connected application are treated as on day's list and disposed of by this order.

The subject matter of controversy is the selection of candidates in Group-C and Group-D posts in the Rampurhat College under the Burdwan University. The posts were advertised pursuant to the newspaper publication dated October 14, 2015. The last date of receipt of application was on November 7, 2015.

The appellants before us have alleged manipulation of marks and selection of candidates who are inferior to that of the appellants. On the basis of the contention of the appellants that while filling up the said posts, norms were not followed resulting in appointment in favour of the private respondents, we directed the Rampurhat College authorities to produce the individual score sheets as well as documents in support of the educational qualification of the selected candidates as well as the appellants

on 23.12.2020. In terms of the aforesaid order which was passed on 17.12.2020, score sheets were produced by the college authority. We find out from the score sheets that there was a division of marks for written test and viva-voce. It is submitted on behalf of the college authority that they had fixed the cut off marks for permitting the eligible candidates to participate in the viva-voce. As a result, we directed the authorities to produce the relevant records including the resolution of the Governing Body fixing the marks for written test and viva-voce as well as fixing the cut-off marks which had facilitated the candidates to participate in the viva-voce.

Mr. Lahiri, learned advocate appearing for the appellants submits that the fixation of marks for the written and oral examination as well as the cut-off marks fixed for written test so as to be eligible for interview would not appear from the resolution book produced before us.

The contention of the college authority is that they have followed the government guidelines in calling for interviewing the candidates in the ratio of 1:20 based on the performance of the written test. However, more than twenty candidates were called for interview as few candidates were awarded same marks in written test. Original score sheets were produced before us. We also record that the selected candidates joined their respective posts in the year 2016 and their appointment has been duly approved by the Directorate of Public Instructions.

The college has produced the resolution book wherefrom it appears that the written test for Group-C and Group-D posts shall be of 50 marks and 30 marks respectively and for viva-voce

20 marks for filling up the said posts. The combined merit list produced before us for Group-D candidates shows that appellant no.1 secured 20 marks in the written test whereas three empanelled candidates have secured 24, 27 and 26 marks respectively in the written test. Similar is the case with the appellant no.2.

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

The appeal and the application are accordingly, dismissed.

There shall be no order as to costs.

The original records produced before us are hereby returned to the learned counsel.

Urgent xerox certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)