

Item No.43

24.11.2021
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

WPA 18010 of 2021
Ujjwal Samanta & Ors.
v.
The State of West Bengal & Ors.

Mr. Samiran Mandal
Mr. S.C. Dhara
Mr. Abhinaba Dan
... for the petitioners.

Mr. Prasenjit Mukherjee
Ms. Madhurima Sarkar
... for Madrasah Service Commission.

Mr. Souvik Nandy
... for NCTE.

Mr. T.M. Siddiqui
Mr. Nilotpal Chatterjee
... for the State respondents.

The petitioners participated in the 5th State Level Selection Test (SLST), 2011 conducted by the West Bengal Madrasah Service Commission in response to an advertisement made on February 13, 2012.

The petitioners rely upon a document mentioned as “Search for results of 5th SLST(AT/UG), 2011” wherein the registration number, name and status of the candidate have been mentioned. The status mentions, “qualified in TET but not selected for personality test”.

The result of 5th SLST, 2011 was published by the Commission in the year 2013. The Commission thereafter issued a public notice on February 6, 2013 for conducting 6th SLST, 2013.

The specific case of the petitioners is that as their status have been mentioned as qualified in TET but not selected for personality test they will automatically be entitled to be called for the personality test in terms of the NCTE Guidelines in the future selection test to be conducted by the Madrasah Commission.

Be it mentioned that the petitioners participated in the 6th SLST also. The petitioners have annexed copy of the representation wherein they have prayed for consideration of their case for appearing in the personality test in respect of 6th SLST.

The learned advocate representing the West Bengal Madrasah Commission submits, upon instruction, that the petitioners were unsuccessful both in the 5th and 6th SLST and accordingly, they were not called to appear in the personality test.

The advertisement published by the Madrasah Service Commission for conducting 5th SLST, 2011 has been placed in Court. It appears therefrom that the compilation of the marks of Paper-I (Subject Test) shall be done only for those candidates who will secure the qualifying marks (60%) in Paper-II(OMR/MCQ).

The qualifying marks in Paper-I is 40%. No mark-sheet is to be issued to the candidates and the answer sheets are to be preserved as per rules after publication of the panel and the waiting list.

Paper-II questions will be of Multiple Choice Questions (MCQs). A candidate obtaining 60% of marks in the written test in Paper-II will attain the eligibility for evaluation of his answer script in the subject test mentioned in Paper-I. The final paper selection for the recommendation to the post of Assistant Teacher will be determined by summing up of the marks obtained by the candidate.

Advertisement for 6th SLST-TET, 2013 published by the Madrasah Service Commission mentions that letter of personality test will be issued to the selected candidates on the basis of the academic score and the marks obtained in TET to the extent of not exceeding 1.5 times of the advertised final reported vacancies Medium-wise, Subject-wise and Gender-wise.

The aforesaid two advertisements clearly lay down the conditions upon which a candidate is to be called for the personality test.

It is the specific case of the Madrasah Service Commission that the petitioners were unsuccessful in the initial test and accordingly, they were not required to be called for the personality test.

The submission of the petitioners that as their status report shows that they qualified in TET in 5th SLST accordingly they will automatically qualify for appearing in the personality test for 6th SLST cannot be accepted by the Court. As the advertisement clearly lays down the criteria according to which personality test is to be held, no deviation can be made therefrom.

The petitioners appeared in the selection test in 2012 but did not raise any grievance when they were not called for the personality test. Relying upon a notice published by the Madrasah Service Commission late in the year 2021 the petitioners cannot be given the benefit of appearing in the personality test in deviation of the criteria mentioned in the advertisement.

There is no merit in the writ petition and the same is accordingly dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)