

W.P.S.T. 222 of 2013

Chaiti Datta

-vs-

The Public Service Commission, West Bengal & Ors.

M/s Arabinda Sen, Advocate
Laxmi Kanta Pal, Advocate
Rita Ganguly, Advocate
... for the petitioner

M/s Pradip Kumar Roy, Advocate
Shraboni Sarkar, Advocate
... for PSC, West Bengal

This writ petition has been filed challenging the order dated 25.03.2013 passed by the West Bengal State Administrative Tribunal (for short 'the Tribunal') in O.A. No. 1427 of 2011.

The grievance raised by the petitioner while filing application before the Tribunal was that he had appeared in the Miscellaneous Service Examination, 2008 conducted by the West Bengal Public Service Commission (for short, 'the Commission') and had qualified both preliminary and final examination securing good marks. However, in the interview she was awarded 18 marks out of 100. Had she been granted 20 marks, she would have made to select list.

It was further submitted by the petitioner that there was some error in carrying forward the marks awarded to the petitioner by the members of the Interview Board as a result of which she was shown to have secured merely 18 marks despite the fact that she had performed well in the written examination and interview as well. The prayer was that the record of

selection be called for and opportunity be granted to the petitioner also to peruse the same to ensure that there was no error.

On the other hand, learned counsel for the Commission submitted that the allegation made by the petitioner regarding some error in the record was gone into by the Tribunal as the entire record was produced before the Tribunal and was perused by it. No such error, as was sought to be pointed out by the petitioner, was noticed. Even if the petitioner is awarded 20 marks in the interview as against 18 which she secured, still she will not make to the select list as the last selected candidate secured 252 marks whereas, the petitioner will get only 247 marks even if she is granted 20 marks in the interview. There are no allegations against the members of the Interview Board. The selection process was completed about a decade back. No selected candidate has been impleaded as a party.

After hearing learned Counsels for the parties, we do not find any error in the order passed by the Tribunal. As regards the error in the record pertaining to interview of the petitioner is concerned, it is specifically noticed in the order passed by the Tribunal that the entire record of selection was produced and perused by the Tribunal. Nothing is recorded that there was any error noticed. Hence, the argument as is sought to be raised by the petitioner is not made out. The plea that this Court should again summon the record and peruse the same and also allow the petitioner to inspect cannot be accepted, once the Tribunal has already gone into the record. There is no need to summon the same again by this Court.

There are no allegations of malafide against any of the members of the Interview Board regarding award of lesser marks to the petitioner in the interview.

For the reasons stated above, while concurring with the views expressed by the Tribunal in the impugned order, we do not find any error in the same.

The writ petition is, accordingly, dismissed.

(Rajesh Bindal, J.)

(Aniruddha Roy, J.)

