

05.01.2021

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Court No.25

W.P.A. No. 10720 of 2020

Nirmal Kumar Das

- Versus -

The State of West Bengal & Others

Mr. Subhrangsu Panda

... for the petitioner.

Mr. Malay Kumar Singh,

Mr. Sagnik Chatterjee

... for the State respondents.

Ms. Supriya Dubey

... for the Commission.

Mr. Panda, learned advocate appearing for the petitioner submits that the name of the petitioner is Nirmal Kumar Das. He participated in the First State Level Selection Test for recruitment of Assistant Teachers, 2016 in Secondary/Higher Secondary schools and obtained 80 marks and was placed in the wait list at serial no.169. Another candidate, whose name is also Nirmal Kumar Das, found place in the panel scoring 80 marks. To know the reason behind such empanelment, a representation was submitted by the petitioner under the Right to Information Act, 2005. The same was not replied to. Aggrieved thereby, the petitioner preferred the present writ petition.

Heard Mr. Panda, learned advocate appearing for the petitioner.

Ms. Dubey, learned advocate appearing for the Commission submits, upon instruction, that the

petitioner's date of birth is 5th September, 1989 whereas the date of birth of the candidate who found place in the panel is 1st February, 1986. According to the West Bengal School Service Commission (Selection for Appointment to the Posts of Teachers in Upper Primary Level) Rules, 2016, if more than one candidate obtain the same aggregate (total marks), the merit position of the candidates shall be determined according to their date of birth, i.e., candidates with earlier date of birth shall be preferred. Following the said Rules, the petitioner could not be placed in the panel. A copy of the application form, as produced by Ms. Dubey, be kept of record. A copy of the same has been handed over to Mr. Panda in Court today.

In the said conspectus, the decision taken by the Commission does not suffer from any infirmity and accordingly, no interference is called for. The writ petition is dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Tapabrata Chakraborty, J.)