

90 08.03.2022
rkd Ct.15

W.P.A. 336 of 2018
(Through Video Conference)

Pradip Kumar Biswas

-vs-

The State of West Bengal & Ors.

Mr. Mukunda Lal Sarkar

....for the petitioner.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

....for the WBCSSC.

Petitioner participated in 3rd Regional Level Selection Test for Recruitment of Non-Teaching Staff 2016 as Scheduled Caste and the petitioner offered his candidature under the category of Group-D (Peon) in the district of Paschim Medinipur, Bengali Medium, Male candidate under Western Region.

Petitioner made an application on 8th August, 2016 through online pursuant to the notification dated 8th August, 2016 and the written test was subsequently held on 19th February, 2017 and according to the petitioner result of the written test was published on 23rd June, 2017 wherein petitioner was declared unsuccessful. On being declared as unsuccessful candidate petitioner made an application under the Right to Information Act on 28th June, 2017 seeking information including

the marks obtained by the last candidate who was allowed to participate in the personality test. Since such application of the petitioner under the RTI Act dated 28th June, 2017 was not responded at the material point of time petitioner preferred appeal before the appellate authority and subsequently filed writ petition being W.P. 22341(W) of 2017 which was disposed of vide order dated 1st September, 2017 passed by a coordinate Bench. The coordinate Bench while disposing of the first writ petition of the petitioner directed the West Bengal School Service Commission to furnish to the petitioner whatever information is possible for the Commission to furnish within a particular time. Pursuant to such order dated 1st September, 2017 Commission furnished information but there was no information divulged by the Commission on the marks obtained by the last candidate who participated in the personality test.

Today during course of hearing Dr. Patra, learned advocate representing the Commission has drawn notice of this Court to a document annexed to the affidavit-in-opposition affirmed on behalf of the Commission wherefrom it appears the lowest marks obtained by the candidate under the category under which petitioner applied for was 41

whereas the marks awarded to the petitioner in the written test was 34. According to the Commission since the marks of the petitioner in the written test was below 41 he could not have been considered for the written test.

This Court has heard the learned advocates representing the parties to this writ petition and also perused the relevant documents available on record.

It is true that petitioner participated in the 3rd Regional Level Selection Test for Recruitment for Non-Teaching Staff 2016 under the category of Bengali Medium, Scheduled Caste, Male candidates in the Western Region. He was declared unsuccessful candidate after participating in the written test as a result whereof he was denied opportunity to offer his candidature in the personality test. On scrutiny of the necessary document, it appears that last candidate who was allowed to participate under the category of the petitioner in the personality test was awarded 41 marks whereas petitioner was awarded 34 marks.

In above conspectus, no relief can be granted to the petitioner and accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)