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06-05-2022
AKG
Ct. 24

WPA 3386 of 2022
Rohan Seikh
Versus
The State of West Bengal & Ors.

Mr. Samim Ahammed,
Mr. Arka Maiti,
Ms. Gulsanwara Pervin,
Ms. Ambiya Khatun
...For the Petitioner.

Mr. Prasenjit Mukherjee,
Ms. Madhurima Sarkar
...For the Madrasah Service Commission

The petitioner participated in the 6th State Level Selection Test (SLST) in Physical Education conducted by the West Bengal Madrasah Service Commission.

His specific grievance is that the final vacancy list has not been published prior to the declaration of the result of the written test in accordance with the provisions of Rule 9(3) of the West Bengal Madrasah Service Commission Recruitment (Selection and Recommendation of persons for Appointment and Transfer to the Posts of Teacher and non-teaching Staff) Rules, 2010.

A report has been filed in the form of affidavit by the Secretary, West Bengal Madrasah Service Commission, wherein it has been mentioned that after completion of the written examination, the Commission prepared the list of candidates who qualified for personality test after taking together the marks of the written examination and

academic qualification. After completion of the personality test the final panel had been prepared and the final vacancy list in terms of Rule 10 (3) (b) of the aforesaid Rules had been published and the same is annexed at pages 45 to 49 of the writ petition. The said final vacancy list was also published in the official website of the Commission.

The report further mentions that the petitioner scored 74.725 marks in total which is less than the marks obtained by the last empanelled candidate i.e. 75.25.

Whether the final vacancy list was published in accordance with law or not becomes absolutely academic at this stage, as it appears that the petitioner scored marks less than the marks obtained by the last empanelled candidate.

Accordingly, without going into the intricacies of the stages at which the final vacancy list is required to be published the Court is of the opinion that as the petitioner did not obtain more marks than the last empanelled candidate, as such there is no requirement of interference in the matter.

The writ petition fails and is hereby dismissed.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)