

89 10.06.2022
rkd Ct.15

W.P.A. 5281 of 2017

Sunil Shaw

-vs-

The Union of India & Ors.

Ms. Sima Ghosh

....for the petitioner.

Mr. Anirban Mitra

....for the Union of India.

Petitioner has preferred this writ petition challenging preparation of merit list based on Assam Rifles Examination-2015 held on 12th May, 2016 for recruitment to the post of Constable.

The grievance of the petitioner is in spite of petitioner's participation in the said examination of 2015 his name did not feature in the merit list.

Ms. Ghosh, learned advocate appears on behalf of the petitioner and submits that similarly circumstanced other candidate, namely, Nabani Mahato who obtained 43 marks was found eligible and name of said Nabani Mahato was included in the merit list denying the right of the petitioner who obtained same marks, was not included in the said merit list.

It appears from the paragraph 7 in the affidavit-in-opposition used on behalf of the respondent no.2 that said candidate, namely, Nabani Mahato resides in Naxalite area in the State

of West Bengal and belongs to OBC category whereas petitioner is a candidate of Uttar Pradesh being OBC Male candidate and the minimum qualifying marks fixed by the concerned respondent authorities for being selected are different in case of a candidate of Uttar Pradesh (OBC) and in case of a candidate who resides in Naxalite area (OBC) in the State of West Bengal.

This Court has heard the leaned advocate representing the petitioner and also perused the relevant materials available on record including the pleadings exchanged between the parties.

Having seen the averments made in the affidavit-in-opposition affirmed on behalf of the respondent no.2, it appears that the writ petitioner and the said Nabani Mahato against whom allegation has been made by the petitioner in paragraph 7 of the writ petition do not belong to the same category.

In view of this fact, this Court does not find any infirmity in the matter of selecting such candidate as named in paragraph 7 of the writ petition.

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.)