

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 5147 of 2022

Chunilal Singha
Vs.
State of West Bengal & Ors.

Mr. Barnamoy Basak, led by
Mr. Victor Chatterjee
... For the petitioner

Mr. Pinaki Dhole
Ms. Kakali Samajpaty
... For the State

The petitioner claims to have applied for being engaged as a Bana Sahayak under the Divisional Forest Officer, Jhargram Division. The petitioner says that he was called for an interview on 22nd October, 2020. After the interview, the petitioner says that he was not informed either about his selection or rejection. The petitioner says that he has a vested right to know his marks in the interview held on 22nd October, 2020 for which the records be directed to be produced.

The writ petitioner relies upon Article 16 of the Constitution of India as also a judgment of the Hon'ble Supreme Court reported in (1990) 3 SCC 157 (N.T. Devin Katti & Ors. v. Karnataka Public Service Commission & Ors.) to demonstrate that the petitioner is entitled to know about the marks allotted to the petitioner in the interview.

On behalf of the State, it is submitted that on 1st December, 2020 the final result after the interview has been published. The petitioner was unsuccessful and, as such, he was not informed about his marks. It is further submitted by the State that under the prevailing procedure, the respondents are neither required to inform the petitioner about his marks nor are liable to keep the records and/or preserve the documents pertaining to the written examination or oral examination beyond one year from the date of the examination. The petitioner was an unsuccessful candidate and as no composite merit list was prepared, the petitioner was not intimated about the marks and the result.

After hearing the parties and going through the materials on record, I find that the respondent authorities are not liable to inform the petitioner about his marks under the prevailing norms applicable to the subject selection process.

After going through the judgment reported in N.T. Devin Katti (supra), I do not find any right in favour of the petitioner to know the marks obtained by him in the written examination or the viva-voce. That apart and in any event, the writ petitioner had made an application under the Right to Information Act, 2005. The concerned Public Information Officer has given reply to that. Passing any order in this writ petition directing production of records will amount to interfering with the jurisdiction already

invoked by the petitioner by making an application under the 2005 Act.

The writ petition is, thus, devoid of merit and is dismissed.

Dismissal of this writ petition will, however, not prevent the petitioner from availing any redressal in connection with his application under the 2005 Act, if permissible in law.

Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Arindam Mukherjee, J.)