

**06.06.
2022**

Ct. No. 04

Ab

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side.**

WP.CT 25 of 2022

Pratap Biswas

Vs.

Union of India and others.

Mr. Bikram Banerjee.

... for the petitioner.

Mr. Partha Ghosh,

Mr. Arijit Majumdar.

... for the Union of India.

The instant writ petition has been filed challenging an order dated 9th February 2022 passed by the Central Administrative Tribunal, Kolkata Bench, Kolkata disposing of the OA 432 of 2019 whereby and whereunder a direction is passed upon the respondent authorities to set up a committee of subject expert, who had not been a part of the expert committee, who initially prepared the answer keys in the selection process of 0112 of 2012.

The petitioner is one of the participants in the said recruitment process and challenged the answer keys to some of the questions to be incorrect or, in other word, inconsistent. The aforesaid answer keys were obtained under Right to Information Act and the challenge was made to the tribunal seeking cancellation and/or setting

aside of the order dated 24th October 2018.

The tribunal, in our opinion, did not deny the contention of the petitioner in its entirety; rather remitted the matter to the Railway Authorities to constitute an expert committee bearing in mind that the earlier expert committee, who prepared the answer keys, may not be suitable in order to adhere the fairness, transparency and seamless observations to come.

At the first blush we are surprised whether the petitioner can be said to be an aggrieved person. However, at the time of hearing, learned Advocate for the petitioner submits that he has a grievance against the constitution of the expert committee by the Railway Authorities themselves and, according to him, the committee must consist of an independent and impartial person unconnected or unrelated with the Railway Administration.

We do not find any substance in the aforesaid contention raised before us simply on the basis of the perceived biasness without any material disclosed before us. The tribunal has taken care of the likelihood of bias by directing the expert committee to be constituted, which would not include any member of the expert committee, who prepared and published the answer keys.

Such being the position, we do not find that merely

because the Railway Authorities would constitute an expert committee it would augment the likelihood of bias nor we can think that the plea of bias can be accepted on mere presumption.

We, thus, do not find that there is any infirmity in the impugned order. The writ application is dismissed.

However, we express our concern on the issue, which is dated as far back as 2012 and we except and trust the Railway Authorities that they would complete the entire process, as mandated by the tribunal in the impugned order, within four months from the date of communication of this order.

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

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)