

Court No. 22  
**17.11.2022**  
(Item No. 76)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**  
**W.P.A. 8228 of 2022**

Arunava Maji  
VS  
The State of West Bengal & Ors

Mr. Rajib Kumar Acharyya  
Mr. Banshi Badan Maity  
.... For the petitioner  
Mr. Prosenjit Mukherjee  
Ms. Madhurima Sarkar  
.... For Madrasah Service Commission

Affidavit of service filed in Court today, is taken on record.

Mr. Rajib Kumar Acharyya, learned advocate appearing for the writ petitioner claims that, the writ petitioner had participated in the Sixth State Level Selection Test, 2013. He claims that, he performed extremely well in the written test but was awarded such a marks in the personality test which could not commensurate with the performance of his written test. The selection process is already over in June, 2018.

Mr. Rajib Acharyya learned advocate for the petitioner has submitted that, his client had applied under the Right To Information Act before the appropriate authority but no response was made available.

However, Mr. Prosenjit Mukherjee, learned counsel appears for respondent Nos. 2 to 4 denied his

submission and referred to a document at **pages 32 and 33** of the writ petition and submitted that, necessary reply was given to the petitioner.

Mr. Bhaskar Prasad Vaisya, learned State counsel is present in this Court who normally appears in this type of matters. He is requested to hold the brief and appear in the matter. The office of the learned Government Pleader shall regularize his appointment forthwith.

Considering the rival submissions made on behalf of the parties and considering the materials on record this Court is of the firm view that, such an assessment in the personality test unless specifically shown is attached with malice or arbitrary exercise of its discretion, this being a job of the experts on the subjects, cannot be entertained by the writ Court. More so the selection process is of 2013 which has already been over and completed and came to a conclusion in 2018.

In view of the above, this writ petition being **WPA 8228 of 2022** stands dismissed, with any order as to costs.

**(Aniruddha Roy, J.)**