

06.07.2022
Sl. No.8(SL)
srm

W.P.A. No. 14118 of 2022

Basudeb Naskar

Versus

The State of West Bengal & Ors.

Md. Manuwar Ali,
Ms. Moumita Karmakar

...for the Petitioner.

Mr. Lalit Mohan Mahata,
Mr. Rudranil De

...for the State-respondents.

Mr. Ritwik Pattanayak

...for the Respondent No.8.

Affidavit-of-service is taken on record.

The writ petitioner has challenged the recast panel approved by the Deputy Director of School Education, West Bengal. Appointment of the respondent No.8 to the post of Assistant Headmaster of Khagra Gurudas Tarasundari Institution (HS), Murshidabad is the bone of contention. It is the contention of the petitioner that when the panel was recast, pursuant to the direction of this Court, both the petitioner and the respondent No.8 had secured 36 marks.

The specific contention of the State is that the Rules clearly provide that the academically better candidate would be given appointment in case of a tie in the marks

obtained in the selection process. Such assessment has been made on the basis of the marks allotted against the academic qualifications of each of the candidates. The formula is usually followed in all cases.

As there was a tie between the two, on the marks secured in the interview and the selection process, the academically better candidate was proposed for appointment. The tabulations of marks which have been demonstrated in the form of a table in the writ petition, indicates the marks allotted under the different heads of the academic qualifications to the parties. The respondent No.8 had secured 28 marks and the petitioner had secured 27 marks against their qualifications. According to the authority, as the marks allotted to the respondent was more, the respondent No.8 has been selected for appointment.

It is settled law that rules for selection and the method adopted are beyond the scope of judicial review. The mode and criteria for appointment and the norms to be fixed, are exclusively within the domain of the experts in the field and the writ court cannot interfere, unless there are blatant irregularities or the actions are *mala fide*. The wisdom of the selectors cannot be called in question. The procedure followed, does not per se appear to be

unreasonable. Records do not reveal that the petitioner is academically more sound than the respondent No. 8.

Under such circumstances, this Court cannot interfere with the decision of the authority. No other flaw in the process, has been indicated.

The writ petition is disposed of without any order in favour of the petitioner.

There will be no order as to costs.

All parties are to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)