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WPA 16286 of 2019

**Miss Krishna Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Debasish Das
...for the petitioner

**Mr. Swapan Kumar Dutta
Ms. Debjani Mitra**
...for the State

**Dr. Sutanu Kumar Patra
Ms. Supriya Dubey**
...for the WBCSSC

Affidavit-of-service filed on behalf of the petitioner is taken on record.

Petitioner has questioned the order dated 7th June, 2019 issued by the Chairman, West Bengal Regional School Service Commission (WR), Bankura, whereby the claim of the petitioner for appointment in the post of Assistant Teacher in non-Government aided secondary school in Philosophy (H/PG) was spurned.

Mr. Debasish Das, learned advocate representing the petitioner has submitted that the petitioner participated as OBC-B Category candidate, but after the written test and personality test during the 2nd phase of counselling, she could not produce OBC certificate based on the application made by the petitioner. However, it has been submitted that had she

been considered as OBC-B Category candidate, she ought to have been appointed being an eligible candidate.

Dr. Sutanu Kumar Patra, learned counsel appears on behalf of the West Bengal Central School Service Commission who has placed before this Court the copy of the application made by the petitioner while offering her candidature in 12th RLST (A.T.), 2011. From the copy of the said application, it appears that the petitioner participated not as OBC-B Category candidate but as OBC-A Category candidate. On behalf of the Commission it has also been submitted that there is no flaw in the decision taken by the Chairman of the Commission as emanates from memo dated 7th June, 2019.

State-respondents are represented by Mr. Swapan Kr. Dutta, learned Additional Government Pleader who adopts the submission of Dr. Patra.

This Court has heard the learned advocates representing the parties and perused the materials available on record as well as the copy of the application of the petitioner made before the Commission for offering candidature in 12th RLST (A.T.), 2011. It appears on consideration of such application that petitioner participated in the said selection process as OBC-A Category candidate, but at the time of counselling, petitioner could not produce OBC-A certificate in support of her application and subsequently, petitioner obtained OBC-B certificate from the concerned authority and which was submitted before the Commission in the month of November, 2013 for consideration of her candidature.

Petitioner for not being selected in the said selection process filed writ petition being WPA 5767 of 2017 which was disposed of by a coordinate Bench vide order dated 22nd April, 2019 thereby directing the concerned authority of the Commission to take decision on the representation of the petitioner. Pursuant to such direction of the coordinate Bench, the decision has been taken by the Chairman of the Commission as contained in memo dated 7th June, 2019 which is subject matter of challenge in the present writ petition.

On perusal of such decision dated 7th June, 2019, it appears that on submission of OBC-B certificate in the month of November 2013 and pursuant to the direction given by the coordinate Bench, the Commission made an exercise to find out that if the petitioner would have been considered as an OBC-B Category candidate, in that event, whether she could come within the zone of consideration or not. It appears from the relevant part of the said order dated 7th June, 2019 that the last candidate who was favoured with appointment under the category of the petitioner, obtained total marks 76 and having combined rank 69 whereas petitioner obtained total marks 51.50 and her combined rank was 99.

In view of aforesaid position, it appears that petitioner would not come within the zone of consideration considering the total marks which was awarded to her in the said selection process of 12th RLST (A.T.), 2011.

In view of aforesaid situation, no relief can be granted to the petitioner and accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Copy of the application of the petitioner, which has been produced before this Court today, is taken on record.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)