

Item No. 11

18.04.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18696 of 2021
Rajiv Kumar Agarwal
v.
The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Molly Saha
... for the petitioner.

Mr. Swapan Kumar Dutta
Mr. Rajat Dutta
... for the State respondents.

Mr. Bhaskar Prosad Vaisya
Mr. Pinaki Bhattacharyya
... for DPSC, North 24-Parganas.

The petitioner participated in the Teachers' Recruitment Process, 2009 conducted by the North 24-Parganas District Primary School Council.

The petitioner belongs to the general category and he applied for being appointed in a Hindi Medium School.

As the name of the petitioner did not figure in the list of empanelled candidates, he filed the instant writ application.

In the report filed by the North 24-Parganas District Primary School Council it has been mentioned that though the petitioner applied for being appointed in

a Hindi Medium School but he answered the questions in the English language.

As the petitioner did not answer the question in the vernacular language in which the petitioner applied, accordingly, his answer-script was cancelled.

Learned advocate representing the petitioner submits that there were Multiple Choice Questions where the candidate was required to answer by way of putting tick marks and there was only one essay. As there was no indication in the question paper that the essay was required to be written in Hindi, accordingly, the petitioner wrote the essay in English language.

According to the petitioner, without the indication that the answer is to be written in Hindi language, he chose to write the answer in the English language.

The aforesaid submission of the petitioner cannot be accepted by the Court.

The petitioner applied for being appointed in a Hindi Medium School, but he wrote the answer in English. The very purpose of taking the examination is to assess the skill of the candidate in the language for which he/she applied. When the petitioner applied for being appointed in a Hindi Medium School, it is expected that he will write the long answer in the said language and not in any other language of his choice. Without the

answer being written in the language applied for, the merit of the candidate cannot be assessed properly.

Accordingly, the prayer of the petitioner for reconsideration of his case cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

The report in the form of affidavit by the North 24-Parganas District Primary School Council and the exception thereto filed by the petitioner in Court today are retained with the records.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)