

Court No. 24
14.02.2022
(Item No. 36)
(AB)

W.P.A. 20169 of 2021
(via video conference)

Debasis Saha & Anr.
VS
The State of West Bengal & Ors.

Mr. Uday Sankar Chattopadhyay
Mr. Santanu Majhi
Ms. Snigdha Saha
Mr. Debdipta Banerjee
Ms. Trisha Rakshit

..... for the petitioners

Mr. S. K. Dutta
Mr. Rajat Dutta

..... for the State

Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar

.... For Madrasah Service Commission

The petitioners participated in the 6th SLST, 2013
(AT), 2013 (Physical Education).

Their grievance is that their names have not been
published in the panel of selected candidates.

Learned advocate representing the West Bengal
Madrasah Service Commission submits, upon instructions,
that the petitioners scored less marks than the last
empanelled candidate in the merit list.

It has been submitted that the last empanelled
candidate's marks in Bengali Medium General Category is
75.35 and last waitlisted candidate's marks in Bengali
Medium General Category is 75. The petitioner No. 1 scored
73.25 and the petitioner No. 2 scored 73 marks.

Learned advocate for the petitioners submits that a
candidate who scored less than 45% marks in Higher
Secondary Examination has been empanelled and letter of
appointment has been issued in his favour.

In reply to the said contention, the Commission submits that extra weightage was given to the candidate(s) even though they scored less than 45% marks in the Higher Secondary Examination as the said candidate(s) had special certificates in sports and games.

The petitioners do not have any special certificate(s) in sports or games. Accordingly, it appears that as the petitioners were unable to secure higher marks than the last empanelled candidate, their names could not be included in the list of empanelled candidates published by the West Bengal Madrasah Service Commission.

Learned advocate for the petitioners submits that the panel that has been published does not reflect the marks obtained by the individual candidates. There is total lack of transparency in the mode of publication of the result. It has, however, been admitted by the learned advocate for the petitioners that the Rule relating to preparation of panel does not require publication of individual marks.

In view of the above, no relief can be granted to the petitioners in the instant case.

The writ petition fails and is hereby dismissed.

Photocopy of the breakup of the marks and the final panel of 6th SLST (AT), 2013 Physical Education (Pass) Bengali Medium General handed over by the learned advocate for the West Bengal Madrasah Service Commission be 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.

(Amrita Sinha, J.)