

07. 26.04.2022
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W.P.A. 16589 of 2012

Ram Krishna Das

-vs-

State of West Bengal & Ors.

With

W.P.A. 16591 of 2012

Raja Khan

-vs-

State of West Bengal & Ors.

Mrs. Pampa De Dhabal

... for the petitioners.

Mr. Alak Kumar Ghosh

... for the High Court Administration in
WPA 16589 of 2012

Mr. Kallol Basu

... for the High Court Administration in
WPA 16591 of 2012

Mr. Rajarshi Basu

Mr. Abdus Salam

... for the State respondents.

The two writ petitions are taken up for final consideration on exchange of affidavits.

Mrs. Pampa De (Dhabal), learned advocate, appears on behalf of the petitioners in both the writ petitions and has submitted that a Notification dated 6th July, 2011 was issued by the appropriate authority of the High Court at Calcutta for recruitment of different categories of posts of staff in the subordinate Courts of West Bengal. Pursuant to such notification petitioners applied for

the posts of Group-D under District Judgeship of Bankura and thereafter both of them offered candidature by participating in the written test consisting of 100 marks and viva voce of 10 marks.

According to the petitioners they answered correctly question nos. 24, 28, 30 and 47 in spite of that both of them were awarded negative marks. Proper evaluation of those answers as it has been submitted on behalf of the petitioners would put both the petitioners within the zone of consideration for appointment in the said posts of Group -D.

This Court has considered the affidavits in opposition filed on behalf of the High Court Administration wherein as pointed out by Mr. Alak Kumar Ghosh, learned advocate, representing the High Court Administration that based on certain complaints received by the recruitment committee from different persons on involvement of one Goutam Sinha and another Dilip Bhagat in manipulating answer scripts of the writ petitioners who used to work on temporary basis under the Judgeship of Bankura a report has been furnished by the then District Judge, Bankura, vide letter dated 11th September, 2012 addressed to the

Registrar General, High Court, Calcutta. Based on such report it has also been stated in the said affidavits that both the employees named above were permanent staff of the District Judgeship of Bankura and Goutam Sinha was entrusted with the duty to supervise the work of sorting out the answer scripts with the help of other employees selected by him and had an access to the strong room and server room where the confidential data of the candidates were kept. Dilip Bhagat also was a senior employee under the said District Judgeship of Bankura. It has been specifically alleged in the said affidavit that said Goutam Sinha in collusion with Dilip Bhagat allowed those two writ petitioners to have access to the strong room and server room and got their respective answer scripts manipulated at the time of sorting out the answer scripts with an intent to help them to get higher marks than the marks they were entitled to according to the answers they had written.

According to the respondents answer scripts with the help of those two staff of the District Judgeship of Bankura were manipulated by giving tick marks in certain appropriate boxes in relation to question nos.24, 28 and 30.

Apart from written test viva voce of 10 marks was held where petitioners participated. It has been stated that performance of the petitioners in viva voce was not matching with their respective performance in the written test. It has been submitted that similar questions were put to them during the viva voce which they wrote correctly during the written examination, but they could not answer those questions before the interview Board. Reliance has also been placed on the score sheets prepared based on performance of the respective candidates including petitioners and it has been contended that there is disparity of marks in the written test and viva voce.

Lastly, it has been submitted on behalf of the respondents that considering the position as indicated in paragraph 12 of the affidavit in opposition notwithstanding the nature of answers written by the petitioners in the written test they cannot be adjudged as successful candidates for providing appointment in the posts of Group-D.

This Court has considered the rival submissions made on behalf of the parties and also perused the relevant documents and pleadings available on record.

Taking note of the facts narrated in paragraph 12 of the affidavit in opposition it is true that both the petitioners might have answered correctly to some of the questions in written test.

This Court has considered the averments made in the affidavit in opposition based on the report of the then District Judge of Bankura dated 11th September, 2012 wherein it has been categorically stated that petitioners with the help of some of the staff as named in paragraph 12 had the access to the answer booklet by which the answer booklets were tweaked by the petitioners. Such submission made on behalf of the respondent authorities gets support from the score sheets prepared by the selection committee based on performance of the candidates in written test and viva voce. On perusal of relevant part of the score sheets appended to the affidavit in opposition it appears that Ram Krishna Das, being the petitioner when obtained 52 marks out of 100 in the written examination was awarded only 1.5 marks out of 10 in viva voce that too on the basis of average marks awarded by the three members of the interview Board. Similarly, Raja Khan being another writ petitioner when obtained 64 marks out of 100 in

written test was awarded 2 marks out of 10 in viva voce. Keeping note of the low marks awarded to the petitioners in viva voce in comparison to the marks they obtained in written test and considering the submission made on behalf of the respondent authorities that some questions which the petitioners answered correctly in written test were put to them in viva voce and they could not answer those questions goes to show that there is some substance in the submission made on behalf of the respondent authorities.

This Court has specifically posed query to the learned advocates representing the petitioners that whether any acrimonious relationship was existing in between the selection authority and the petitioners but this Court has not received any satisfactory answer. In addition thereto, no case of personal bias has been made out on behalf of two petitioners either in the writ petition or in the affidavit in reply used on behalf of the petitioners in order to answer the point taken on behalf of the respondents in the affidavit in opposition.

In view of above facts granting of relief by directing the respondent authority to appoint the petitioners in the posts of Group -D based on

performance of the petitioners in the written test when a specific case has been made out on behalf of the respondents that the answer booklets of the petitioners were manipulated, cannot be acceded to.

In the above conspectus both the writ petitions stand dismissed. However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)