

Ct. 12.12
No. 14 2022
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akb

W.P.A. 22013 of 2022

Samiran Sardar

-Versus-

The Union of India & Ors.

**Mr. Swarvanu Saha
Ms. Avantika Bhartia**

...For the Petitioner

**Mr. Kumarjyoti Tiwari
Ms. Sayani Roy Chowdhury**

...For the Respondents

The writ petitioner applied for the post of 'Electrician A' in response to the advertisement dated 30th June, 2021 published by the Indian Statistical Institute (ISI), the respondent Nos. 2 and 3 herein.

The authority concerned undertook the selection process. For the purpose of selection, the respondent Nos. 2 and 3 conducted a written test on 13th March, 2022. The petitioner states that he belongs to the Schedule Caste category. As per recruitment procedure (annexure p/8) the petitioner was to secure 75 marks as cut of marks out of total marks of 300. The petitioner states that he secured 110 marks, but ISI authority did not call him to appear for the Stage-II Skill Test, which was scheduled to be held on 24th September, 2022. Because of this, the petitioner has been prejudiced and he approached this Court by filing this writ petition seeking the following reliefs :

"a. A writ of/or in the nature of Mandamus and/or order or orders and/or direction or directions of like nature do issue commanding the respondents to particularly the respondent No. 2 to allow the petitioner to appear for the Stage II- Skill Test to be held on 24th September, 2022;

b. A writ of/or in the nature of Mandamus and/or order or orders and/or direction or directions of like nature do issue commanding the respondents to particularly the respondent No. 2 explain as to why the petitioner was not

allowed to appear in the second stage of the aforesaid recruitment process;

c. A writ of/ or in the nature of Mandamus and/ or order or orders and/ or direction or directions of like nature do issue commanding the respondents to particularly the respondent No. 2 to produce before this Court the marks obtained by the petitioner in the 1st stage of the aforesaid recruitment process; and

c. A writ of/ or in the nature of Prohibition prohibiting the respondent institution and each one of them and/ or their men, agents, assigns and subordinates and/ or each of them from taking any steps and/ or further steps in connection with the Stage II Skill Test vide the notification issued by the respondent institution in respect of the Post of Electrician A till the disposal of this petition.”

Learned Counsel appearing for the respondent Nos. 2 and 3 submits that ISI authority advertised for recruitment of two posts of ‘Electrician A’. After the written test was conducted, 10 candidates from SC Category were called to appear at the Stage II Skill Test. Learned Counsel by furnishing a sheet of result submits that the candidate namely, Jeebanjyoti Nayak, who appears at serial No. 10, secured 158 marks, where the petitioner secured 110 marks. According to learned Counsel, since the petitioner secured less than 158 marks, he was not called to appear at the Skill Test Stage II. By furnishing an another copy of a letter dated 22nd September, 2022 learned Counsel submits that the result of the written test was communicated to the petitioner informing that he was not eligible to appear at the Skill Test (Stage II).

However, learned counsel for the petitioner submits that his client is entitled to get the reliefs as sought

for.

It is true that as the procedure of recruitment process indicates, a candidate belonging to Scheduled Caste needs to secure 75 marks as cut of marks. This means that the petitioner after obtaining the cut of marks may be considered for short listing the candidates, who are to eligible to appear before the Skill Test.

Since, the petitioner has scored 110 marks, which is less than the 158 marks secured by the 10th candidate namely, Jeebanjyoti Nayak, the petitioner was not eligible to be called to appear before the Skill Test.

Having heard the learned Counsels appearing for the parties and on consideration of the materials placed on record I think that there is no merit in the writ petition.

Accordingly, the writ petition is dismissed.

There shall be no order as to costs.

All parties may act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat copy of the order, if applied for, be supplied to the appellant on priority basis on compliance of necessary formalities, on priority basis.

(Rabindranath Samanta, J.)