

03.11.2022
(S/L-7)
Ct.-18
(P. Jana)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

WPA 23389 of 2022

Shnehasish Das

-versus-

The State of West Bengal & ors.

Mr. Avijit Chakraborty,
... for the petitioner.

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

Mr. Amal Kumar Sen,
Mr. Sabyasachi Mondal,
Mr. Lal Mohan Basu, ... for the State.

The petitioner participated in the 1st State Level Selection Test for recruitment of Assistant Teachers, 2016 in Upper Primary level of Schools for Bengali subject under general category and had scored 77.3333%.

The petitioner alleged that the candidates who scored less marks than him have been called for personality test and to substantiate his said allegation, the petitioner relied on the list dated October 14, 2022 of the candidates called for the personality test, annexed with the writ petition being Annexure "P-5".

On being notified, the West Bengal Central School Service Commission entered appearance. Dr. Patra, learned counsel for the Commission submits that due to mistake, the names of some candidates who were not eligible for personality test were included in the said list dated October 14, 2022, but immediately upon detection of the said error, a

rectified list was published in the Website of the Commission on October 15, 2022 excluding the said names and according to the said list, the petitioner is not entitled to be called for the said test.

The learned advocate for the petitioner does not dispute the said position and submits that his client was not aware of the said Corrigendum.

He submits that his client, under such circumstances, is not willing to press the writ petition, he files the written instruction of his client to the said effect, which is taken on record.

The writ petition was entertained since from the list of candidates annexed with the writ petition, the grievance of the petitioner, prima facie, appeared to be justified.

It is very unfortunate that the petitioner did not acquaint himself with the rectified list which he should have before filing the writ petition, particularly when the same is available in the public domain.

This Court was inclined to impose costs on the petitioner, but unconditional apology being tendered by the learned advocate on his behalf; this Court refrains from doing so.

In view of the above, WPA 23389 of 2022 is dismissed as not pressed. There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)