

06.09.2022
Court No.25
Item No.07
Aloke Dutta

W.P.A 30176 of 2014

Shib Prosad Das
vs.
The State of West Bengal & Ors.

Mr. Saibal Acharjee,
Md. Hafiz Ali

.... For the petitioner

Ms. Mun Mun Tewary

... For the State

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey

.... For the WBCSSC

The petitioner prayed for issuance of a writ in the nature of mandamus to command the respondents to prepare a fresh panel for the Schedule Caste category after considering the vacancy reserved for the Schedule Caste candidates.

The petitioner participated in the selection process for appointment of a Clerk conducted by the First Regional Level Selection Test, 2010. The petitioner claims to have secured 136th position in the combined list of ranking for the post of Clerk. The petitioner claims that though he was supposed to be called for participating in the counseling for the post of Clerk considering his position in the combined rank list as a Schedule Caste candidate but the authorities have not called him to participate

in the counseling process which compelled him to file this writ petition.

Mr. Acharjee, learned advocate, appearing for the petitioner draws the attention of the Court to the information supplied by the State Public Information Officer, West Bengal Regional School Service Commission, Northern Region, Maldah and submits that since he was placed in the third position in the wait list out of the six Scheduled Caste wait listed candidates, he ought to have been called for participating in the counseling process.

Dr. Patra, learned advocate, appearing for the Regional School Service Commission submits that though the petitioner secured 136th position in the combined merit list but he was placed in the third position in the wait listed candidates under the Scheduled Caste category. He submits that only two candidates whose ranking was above the petitioner were called for the counseling process and were ultimately recommended for appointment. He submits that since there was no available vacancy, the petitioner could not have been called for the counseling process.

Heard the learned advocates for the parties.
Perused the materials placed.

From the information furnished under the provision of Right to Information Act, 2005 it is

evident that the total number of candidates for the post of Clerk was 134, out of which only 51 posts were reserved for Scheduled Caste (Co-Ed) candidates. It further appears therefrom that 16 candidates were in the wait list out of which only six candidates belonged to the Schedule Caste (Co-Ed) category. The petitioner was placed in the third position in the wait list under the Schedule Caste category. Two candidates from the wait list falling under the category of Scheduled Caste were called for the counseling process and thereafter recommendations were made by the Council for their appointment.

It is not the case of the petitioner that any candidate belonging to the Schedule Caste category and securing less marks than that of the petitioner was called for the counseling process.

In view thereof, this Court is of the considered view that since out of the total number of 134 posts of Clerk, the petitioner could not come within the zone of consideration, the petitioner cannot claim any right to be called for participating in the counseling process.

For the reasons as aforesaid, this Court finds no reason to interfere with the panel prepared by the concerned School Service Commission.

Accordingly, the writ petition stands disposed of. There shall be, however, no order as to costs.

Urgent photostat certified copy of this order be supplied to the parties, if applied for.

(Hiranmay Bhattacharyya, J.)