

16.03.2023
(D/L-19)
Ct.-18
(Susanta)

W.P.A. 237 of 2023

Shyam Sundar Sardar
-Vs-
The State of West Bengal & Ors.

Mr. Lal Ratan Mondal,
Ms. Sk. Kiran,
.... For the Petitioner.
Mr. Santanu Mitra,
Ms. Rama Halder,
.... For the State.
Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
.... For the S.S.C.

The petitioner participated in the 12th Regional Level Selection Test 2011 for appointment to the post of Assistant Teachers in Recognized Non-Government Aided Junior High School/High Schools/ Higher Secondary Schools in the State of West Bengal. In the combined merit list of the said Selection Test his position was 787.

The petitioner filed a writ petition being WP 24431(W) of 2014 complaining that the candidates below his rank in the combined merit list have been given appointment.

The said writ petition was disposed of vide the order dated September 02, 2014 by directing the Chairman of the West Bengal Board Regional School Service Commission (Southern Region), the respondent no.4 to the said writ petition to give the petitioner an opportunity of hearing and to pass an

appropriate order dealing with the grievance of the petitioner.

The Chairman, West Bengal Regional School Service Commission (Northern Region) Maldah, by the memorandum bearing no. 1919 dated December 27, 2014 addressed the grievance in the following manner:-

“Candidates who are alleged to have suppressed the petitioner belong to OBC-A category together with one in ‘In-service-Temporary’(specified) category for whom a provision of 10% reservation has been made in terms of G.O. No. 1584-SE(S)/A1/09(Part) dated 21.12.2011. The petitioner does not belong to the above category.....”

The petitioner after lapse of long time on October 31, 2022 sought different information from the Commission regarding his score in the written examination and *viva voce* etc in relation to the said selection process.

The Commission supplied the information sought for.

The petitioner in the present writ petition is praying, *inter alia*, recasting of the final merit list of the said selection process on the allegation that from the information supplied to him, he came to learn that the marks secured by him in the written examination of the said selection process has been reduced.

Dr. Patra, learned Counsel for the Commission submits that such reduction has been done by the Head Examiner after reassessment of

the answer script. He further submits that the panel since has expired long back in the year 2015 there is no scope to consider the prayer of the petitioner.

Having heard the learned counsel for the parties and on perusal of the materials on record, it appears that the petitioner had accepted his position in the said combined merit list and also the findings of the Memo no. 1919 dated December 27, 2014, the obvious conclusion of such acceptance is that he had accepted the evaluation of his answer script in relation to the said selection process.

The petitioner, therefore, cannot dispute the correctness of the said evaluation after expiry of such a long time, that too when the life of the panel has already expired long back.

The writ petition for the aforesaid reason fails, accordingly W.P.A. 237 of 2023 is dismissed, there shall be however 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.)