

Item-
164. 25-07-2023

sg Ct. 8

FMA 1942 of 2018

Smt. Kalpana Pramanik (Dutta)
Versus
State of West Bengal & Ors.

Mr. Birendra Nath Manna, Adv.
...for the appellant

Mr. Tapan Kumar Mukherjee, Ld. AGP
Mr. Somnath Naskar, Adv.
...for the State

Written notes of argument filed in Court is taken on record.

The appeal is arising out of a judgment and order passed by the learned Single Judge on 1st December, 2017 in connection with appointment of a Para Teacher in a Madrasah.

Shorn of details, both were aspirants for the same post. There were two score-sheets prepared. The score-sheet mentioned at page 41 had all the elements of authenticity and credibility as it was duly signed by all the members as opposed to the score-sheet mentioned at page 48 where there were alterations not being initialled by the members.

This exercise was undertaken by the District Magistrate pursuant to the order passed by the Hon'ble Division Bench. The discretion exercised by the District Magistrate is based on sound principle. This Court does not find any irregularity or impropriety in the decision making process undertaken by the District Magistrate in evaluating the score-sheets. In fact, the District Magistrate ignored both the claims made by the candidates and reconstructed a fresh score-sheet based on the individual's score-sheet attested by each of the members of the

Selection Committee. As per the freshly reconstructed score-sheet, the District Magistrate had observed that Abha Khanra was in the first position by securing 19.92 marks and Kalpana Pramanick was second position by securing 18.26 marks. The basis of this finding was challenged in a writ petition in which the impugned order was passed.

Having considered the exercise, the District Magistrate had undertaken in resolving the issue properly, judiciously and that he had taken into consideration the relevant documents, we are of the view that the District Magistrate was justified in arriving at the aforesaid conclusion. As observed correctly by the learned Single Judge the writ court is concerned with the decision making process and shall not exercise judicial review merely that the decision may be wrong or the Court could have arrived at a different finding on the basis of the same set of documents.

We do not find any procedural irregularity or impropriety or arbitrariness in arriving at the said decision. We agree with the observation made by the learned Single Judge in this regard. The procedure adopted by the District Magistrate in finding out who would be the first empanelled candidate is fair and reasonable.

Accordingly, we dismiss the appeal. However, there shall be no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)