

27.02.2023
Court No. 19
Item No.14
CP/GB

W.P.A. No. 1984 of 2023

Serina Khatun

Vs.

The State of West Bengal & Ors.

Mr. Golam Mastafa
Mr. Samirul Sardar

....for the petitioner.

Mr. Raja Saha
Ms. Tanusri Chanda

....for the State.

The writ petition has been filed by a candidate who applied for the post of Asha in Talgachhi Sub-Centre. The minimum educational qualification was Madhyamik or equivalent. The petitioner contends that the engagement of the respondent no. 7 was irregular on the following grounds:

- a) The petitioner had secured higher marks in the Madhyamik Examination, i.e. 440 out of 900, whereas the respondent no. 7 secured 382 out of 850.
- b) The educational qualification mentioned in the regulations and the advertisement was Madhyamik or equivalent. Thus, total marks obtained by the petitioner in the Madhyamik Examination should be considered without excluding the marks obtained in the additional subject.

- c) The authorities did not have any basis to exclude the marks obtained in the additional subject in the absence of any specific provision.
- d) The benefit of additional marks was not given to the petitioner who was a member of a self-help group.

This court had directed the respondents to file a report upon making an enquiry with regard to the allegations of the petitioner. A detailed report has been filed prepared by the Sub-Divisional Officer, Chanchal who is also the Member Secretary of Asha Selection Committee. The authority has specifically stated that as the minimum educational qualification as prescribed in the regulations as also the advertisement was Madhyamik or equivalent examination, in order to maintain a parity amongst all the Boards, it was decided that the calculation of the marks obtained in the Madhyamik or equivalent examination would be made as per the total score obtained on the full marks allotted to the examination.

It appears that the petitioner got 440 out of 900 which was around 48.8% in the High Madrasah examination and 90% weightage to the same amounts to around 44. Whereas, the respondent no.7 obtained 382 out of 850 and 90% weightage to

the same would be 40.41. The petitioner got 3.2 in the interview and the respondent no.7 got 8. If the marks giving 90% weightage to the High Madrasah examination along with the interview marks are added, even then, the respondent no.7 gets higher marks.

The petitioner's case that the additional marks should be included and the percentage should be calculated as 440 out of 900, cannot be accepted. The regulations as also the advertisement clearly state that marks obtained in the Madhyamik or equivalent examination shall be calculated. The grand total of the petitioner in the High Madrasah examination of 2006 was 440 out of 900 and that of the respondent no.7 was 382 out of 850.

Thus, the Court does not find any illegality in the appointment of the respondent no.7. The self-help group was also constituted much after the application was filed and, as such, the deprivation alleged with regard to the denial of the additional benefit to the petitioner being a member of the self-help group, is also not maintainable.

Accordingly, the writ petition is disposed of without any orders.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)