

14.09.2023
DL-134
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 3393 of 2023

Sri Pritam Chakraborty
Vs.
West Bengal State Electricity Distribution
Company Limited & Ors.

Ms. Aiswarjya Gupta,
Mr. Somesh Kumar Ghosh,
Ms. Priyanka Saha
....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay
....for WBSEDCL.

Mr. N. C. Bihani,
Ms. Papiya Banerjee Bihani
....for Burdwan University.

The written instruction handed over by Mr. Bihani, learned counsel appearing on behalf of the University of Burdwan, is retained with the records.

It appears from the said instruction that Paper-VIII and Paper-IX in the syllabus of B.Sc.(Honours) Studies in Mathematics of the University of Burdwan which was effected from academic year 2005-06 to 2014-15 were considered to be full papers in “*Computer Application*” as per the curriculum of the University of Burdwan.

The petitioner applied for being recruited to the post of Office Executive under the Recruitment Notification dated December 22, 2018. The petitioner was required to hold a Bachelor degree in any

discipline with 50% marks in Graduation or 50% marks in Higher Secondary. Further, the petitioner was required to complete his Bachelor degree with one full paper in “*Computer Science/Computer Application/Computer Technology*” at Graduation level.

The petitioner relied on the mark sheet of his 2014 examination to show that he has completed Graduation with more than 50% marks in Mathematics. Furthermore, the petitioner’s case was that he has completed one full paper in Computer Applications being Paper-VIII which was a combination of Numerical Analysis and Computer Programming.

When the petitioner’s name did not appear in the selected list of candidates, an application under Right to Information Act, 2005 was made. Pursuant to the reply given on December 28, 2022 to the RTI application, it transpired that the respondents/West Bengal State Electricity Distribution Company Limited (WBSEDCL) did not consider the petitioner to be an *eligible* candidate since he has not completed one full paper in “*Computer Science/Computer Application/Computer Technology*”.

It is argued on behalf WBSEDCL that Paper-VIII which consists of only 50 marks, cannot be

considered to be full paper in “*Computer Science/ Computer Application/ Computer Technology*”. Therefore, the petitioner has not met the eligibility criteria as per the employment notification.

Since the issue whether or not the University of Burdwan considered Paper-VIII to be a full paper in the aforesaid subject was a technical one, this Court directed a service of notice of the writ petition on Mr. Bihani who usually represents the University of Burdwan.

Today, it is contended on behalf of WBSEDCL that Paper-VIII cannot be considered to be a full paper even though the same has been opined by the Members of the Board along with the Head of the Department of Mathematics, University of Burdwan since only 15 marks out of 50 marks is allocated for *computer programming*.

Considering the rival submissions of the parties and the materials placed on record, this Court finds no reason to disagree with the expert opinion given on behalf of the University of Burdwan by the Head of the Department of Mathematics, University of Burdwan.

It has been clearly opined that a candidate holding B.A./B.Sc.(Honours) in Mathematics degree of the University of Burdwan is considered to have

studied two full papers on Computer Application considering the contents of Paper-VIII and Paper-IX in the syllabus for B.A./B.Sc.(Honours) as per the course curriculum.

In view of such categorical opinion, this Court has no hesitation to hold that the petitioner who has graduated from the University of Burdwan in B.Sc.(Honours) degree course has completed at least one full paper in “*Computer Science/Computer Application/Computer Technology*”.

Accordingly, this Court finds no reason for considering the petitioner to be an *ineligible* candidate in terms of the Employment Notification vide no. MPP/2018/05 dated December 22, 2018 for the post of Office Executive.

Therefore, the candidature of the petitioner for the said post has to be considered within a period of 4 weeks from the date of this order, upon compliance of all the necessary formalities. If the petitioner is found to be otherwise eligible, the petitioner shall be appointed within 4 weeks from date.

With the directions aforesaid, **WPA 3393 of 2023** is **disposed of**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon’ble Court.

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

(Lapita Banerji, J.)