

Item-14. 16-10-2023

MAT 340 of 2023
CAN 1 of 2023
CAN 2 of 2023

sg Ct. 8

Satyajit Pramanik
Versus
The State of West Bengal & Ors.

Mr. Achintya Kr. Banerjee, Adv.
Mr. Tarun Kumar Chatterjee, Adv.
Mr. Soumen Chatterjee, Adv.
Mr. Soubteya Ganguly, Adv.
...for the appellant

Dr. Sutanu Kr. Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the WBCSSC

Mr. Bhaskar Prasad Vaisya, Adv.
Mr. Sagnik Chatterjee, Adv.
...for the State

1. The appeal is arising out of an order dated 12th November, 2018 passed by the learned Single Judge in a writ petition filed by the appellant.
2. The petitioner participated in the 12th RLST (AT), 2011 Examination. He was successful in the written examination. However, at the time of scrutiny it transpired that there was some confusion regarding his status as OBC(A) category. Accordingly, he could not proceed further in the counselling process.
3. Initially he filed a writ petition in which a direction was passed directing the OBC Certificate Issuing Authority being the Sub-Divisional Officer, Bankura to indicate the category of the writ petitioner under OBC. The School Service Commission was also directed to keep one post vacant until a decision was taken by the OBC Certificate Issuing Authority.
4. The School Service Commission carried the said order in appeal. The Hon'ble Division Bench modified the order of

the learned Single Judge to the extent that once the Sub-Divisional Officer clarified the status of the writ petitioner, “he would be considered in the next available selection process”. The next selection process commenced in the year 2016. Subsequent thereto, by a letter dated 9th January, 2017, the writ petitioner informed the Secretary of the School Service Commission that the Sub-Divisional Officer issued an OBC(B) category certificate and requested to consider his case as per the order of the Hon’ble Division Bench..

5. By a Memo dated 6th February, 2017, the Assistant Secretary of the School Service Commission informed the writ petitioner that by that time, the 12th RLST(AT), 2011 Examination was closed and the writ petitioner was directed to apply in the next selection process. This Memo was challenged by the writ petitioner by filing a writ petition in the year 2018 in which, by an order dated 20th July, 2018 the said Memo was set aside primarily on the ground that the same was not supported by any reason. The learned Single Judge directed the Secretary of the School Service Commission to pass a reasoned order upon granting a liberty of hearing of the writ petitioner. On the basis of the said direction, a reasoned order was passed on 31st August, 2018, which was the subject matter of challenge in the writ petition in which the impugned order was passed.
6. The learned Single Judge did not accept the contention on behalf of the appellant and the School Service Commission was directed to consider the case of the writ petitioner *dehors* the relevant Recruitment Rules, 2016 not there was

such direction in the order dated 20th July, 2018 in the earlier writ petition. In view of the fact that the writ petitioner did not apply the following Recruitment Rules, 2016, no relief was granted to the writ petitioner. In fact, the Secretary of the School Service Commission has stated that his case could not be considered as he did not apply in the State Level Selection Test and the candidature of the writ petitioner could not be considered now.

7. Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal is, accordingly, dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)