

ML-13 wt 14

04.09.2023
Court No.5
(AD)

WP.ST 327 of 2013

**Shri Prasanta Kumar Mondal
Vs.
The State of West Bengal & Ors.**

Mr. Pratip Kumar Chatterjee

... for the petitioner.

Mr. Tapan Kumar Mukherjee,

Ld. Sr. Advocate & Ld. AGP

Mr. Somnath Naskar

Ms. Tuli Sinha

... for the State.

**With
WP.ST 18 of 2016**

**Sri Nilamoy Adhikary
Vs.
The State of West Bengal & Ors.**

Mr. D. Saha Roy

Mr. Tanoy Chakraborty

Mr. Rajiv Lochan Chakraborty

Ms. Vaswati Chakraborty

... for the petitioner.

Mr. Tapan Kumar Mukherjee,

Ld. Sr. Advocate & Ld. AGP

Mr. Somnath Naskar

... for the State.

Two writ petitions are taken up for consideration as they emanate out of the same order of the Tribunal dated April 8, 2013 passed in OA-594 of 2012.

Four persons approached the Tribunal by way of OA-594 of 2012. Such persons participated in a selection process for the post of Lower Division Clerk. The recruitment drive was undertaken in 2007.

A slew of litigation followed the recruitment process.

Ultimately, the impugned order was passed where, the claim of the original applicants for appointment was negated.

We perused the records produced in the two writ petitions.

We find that, the writ petitioners before us scored same marks as the last person who was given appointments. However, the writ petitioners before us scored less in the type test.

It is contended that, the type test was never taken into consideration as a determining factor.

With respect, we are unable to agree with such contention raised on behalf of the writ petitioners.

Initially a written examination was taken and, thereafter, a type test. Type test, therefore, was of a determining factor.

Since both the petitioners before us scored less in the type test than the last person appointed in the selection process, we find no merit in the two writ petitions.

WP.ST 327 of 2013 and **WP.ST 18 of 2016** are dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

