

02. 10.05.2023
Ct.15

bd.

WPA 7597 of 2011

Parameswar Mahato

-vs-

The State of West Bengal & Ors.

Mr. S.M.Ali ... for the Petitioner.

Ms. Chaitali Bhattacharya
Mr. Kartick Chandra Kapas ... for the State.

Mr. Rudranil De
Mr. Zia-ul Haque
Ms. Aiswarya Mukherjee ... for the Respondent
no.7

Dr. S.K.Patra
Ms. Supriya Dubey ... for the WBCSSC.

Petitioner has prayed for appointment in the post of Assistant Teacher in Physical Education (Pass) being OBC candidate in view of his participation in 11th Regional Level Selection Test 2010.

The grievance of the petitioner is in spite of placing the petitioner at 33rd position in the waiting list one Shambhu Kuiry, being respondent no. 7 whose name featured against serial no. 34 was favoured with appointment ignoring the merit position of the petitioner in the waiting list since petitioner secured 33rd position.

Having considered the grievance of the petitioner this Court directed the learned advocate representing the West Bengal Central School Service Commission to file a report vide order dated 12th April, 2023. Accordingly, report in the form of an

affidavit has been filed today which is taken on record.

It has been disclosed in the affidavit affirmed on 8th May, 2023 by the Assistant Secretary, West Bengal Central School Service Commission, that both the petitioner and respondent no. 7 secured identical marks i.e, 66.83 but the respondent no. 7 is older than the petitioner considering the date of birth of the petitioner and the respondent no.7. It has also been stated in the said affidavit that date of birth of the petitioner is 3rd April, 1985 whereas date of birth of the respondent no. 7 is 31st July, 1979.

It has been submitted by the learned advocate representing the Commission that on application of Rule 12(9) of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Teacher), Rules 2007 respondent no. 7 was selected amongst those two candidates for being recommended for appointment in the post of assistant teacher in physical education.

Respondent no.7 is also represented by learned advocate who has also adopted the submission made on behalf of the Commission.

Having perused the affidavit affirmed on behalf of the Commission and in consideration of Rule 12(9) of aforesaid Rules of 2007 this Court does not find any discrepancy in recommending the name of respondent no. 7 being a candidate who secured identical marks as petitioners secured since

respondent no. 7 is older than petitioner.

Accordingly, this Court does not find merit in the writ petition and the same stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)