

25.07.2023
SL No.16
Court No.8
(gc)

**FMA 1092 of 2021
CAN 1 of 2022**

**Dipankar Shit
Vs.
State of West Bengal & Ors.**

Mr. Siddhartha Sankar Mandal,
Mr. Kapil Chandra Sahoo
...for the Appellant.
Mr. Jayanta Samanta,
Mr. Manas Kumar Sadhu
...for the State.

This appeal is arising out of the order dated 6th April, 2021. The learned Counsel for the appellant submits that the first candidate in the reserved category had secured marks more than last two candidates in the general category and, accordingly, the panel for the reserved category was required to be re-casted.

We may not have to go into this question at all as it reveals from the affidavit filed on behalf of the State before the learned Single Judge that the minimum cut-off marks for qualifying the examination and for getting recommendation for appointment was 70 marks for the General (Unreserved) Category and 62 marks for the Scheduled Caste Category. The relevant resolution to that effect was part of the record before the learned Single Judge. Admittedly, the petitioner

secured 61 marks and his name appeared against the serial no.4 in the said list for Scheduled Caste Category.

Under such circumstances, we do not find any reason to interfere with the order passed by the learned Single Judge.

Accordingly, the appeal and the application stand dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)