

30.
12.6.2023
S.D.

W.P.A. 12195 of 2023

**Jharna Dhali & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Sabyaschi Chatterjee
Mr. Subhajit Saha
Mr. Badrul Karim

... For the Petitioners

Ms. Chaitali Bhattacharyya, Sr. Govt. Adv.,
Mr. Kartick Kapas

...For the State

It is undertaken by Mr. Chatterjee that deficit Court fees have already been paid and proof will be furnished in course of the day.

The writ petitioners are working as Anganwadi workers (AWW) and are incumbents for being promoted to the post of Supervisors (Female) only in ICDS projects. It is the grievance of the petitioners that the candidates whose names appear at pages 63 to 87 of the writ petition are the successful candidates in the written examination and have been called for *viva voce* by the authorities concerned. However, the marks obtained by the said candidates in the written examination have not been disclosed.

Only the marks obtained by the candidates who were unsuccessful in the written examination have been disclosed by the State authorities.

Mr. Chatterjee, learned counsel appearing on behalf of the petitioners submits that in order to maintain transparency the marks obtained by the successful candidates should have been disclosed by the State Government.

Ms. Bhattacharyya, learned senior Government Advocate appearing on behalf of the State authorities submits that since the petitioners obtained less than the cut off marks in the written examination, there was no question of calling them for *viva voce* for selection to the post of Supervisors.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the opinion that the petitioners admittedly obtained less than the 'cut off' marks. The cut off marks for different categories of candidates appear at page 87 of the writ petition. Admittedly, the writ petitioners obtained less than the cut off marks in the written examination. The petitioners have not made any application under the Right to Information Act, 2005 for obtaining the marks that were awarded to the successful candidates. As such the petitioners have not been able to show that there was any *mala fide* intention or ulterior

motive in calling the successful candidates for *viva voce*. *Prima facie*, this Court is not convinced that there is any perversity in the selection process of the Supervisors (Female) only. Furthermore, the petitioners have not stated the marks obtained by them in the written examination in the writ petition.

No cause of action has been made out by the petitioners. This Court is of the view that no roving enquiry should be permitted by way of filing of a writ petition. The petitioners have not been able to show violation of their legal rights.

In the circumstances hereinabove, **W.P.A. 12195 of 2023 is dismissed.**

Since no affidavits have been directed to be exchanged in the present writ petition, all the allegations contained in the petition are deemed not to have been admitted by the parties.

All parties shall act on the server copy of this order duly downloaded from the **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)