

Item-2. 08-09-2023

MAT 1039 of 2023
CAN 1 of 2023
CAN 2 of 2023

^{sg} Ct. 8

Parameswar Mahato
Versus
The State of West Bengal & Ors.

Mr. Ujjal Ray, Adv.
Mr. Arpa Chakraborty, Adv.
...for the appellant

Ms. Supriya Dubey, Adv.
...for the WBCSSC

Mr. Gourav Das, Adv.
Ms. Debleena Dasgupta, Adv.
...for the State

Mr. Rudranil De, Adv.
...for the respondent no.8

1. The appeal is arising out of an order dated 10th May, 2023 in which the appointment of the respondent no.7 was challenged. The appellant has prayed for appointment in the post of Assistant Teacher in Physical Education (Pass) being OBC candidate in view of the participation in 11th Regional Level Selection Test 2010.
2. The grievance of the petitioner is that, in spite of placing the appellant at 33rd position in the waiting list, one Shambhu Kuiry, being the 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 the petitioner secured 33rd position.
3. Before us, it is contended that the appellant has secured marks more than the marks obtained by the respondent no.7. The record reveals that both of them secured same marks but preference was given to the respondent no.7 on the basis of

his date of birth. It shows that the respondent no.7 is older than the petitioner.

4. The learned Single Judge in consideration of Rule 12(9) of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Teacher), Rules, 2007, was of the view that there was no discrepancy in recommending the name of the respondent no.7, being a candidate who secured identical marks as the petitioner secured since the respondent no.7 is older than the writ petitioner.
5. We do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails. MAT 1039 of 2023 is, accordingly, dismissed.
6. In view of the dismissal of the appeal, there is no need to pass any direction in the stay petition. The stay application being, CAN 1 of 2023 is, thus, disposed.
7. CAN 2 of 2023 being an application for produce additional evidence is also, accordingly, disposed of.

(Uday Kumar, J.)

(Soumen Sen, J.)