

02.02.2023  
Item No.06  
Court No.18  
AJ.

**W.P.A. 15148 of 2021**

**Topiya Basu**  
**-Vs-**  
**The State of West Bengal & Ors.**

Mr. Sandip Ghosh,  
Ms. Mousumi Chatterjee,  
Mr. Partha Sarkar.  
.....for the petitioner.  
Ms. Iti Dutta.  
.....for the State.

Dr. Sutanu Kumar Patra,  
Ms. Supriya Dubey.  
....for the WBCSSC.

The petitioner appeared in 1<sup>st</sup> State Level Selection Test for recruitment of Assistant Teachers, 2016 in Upper Primary Level Schools for the post of Bio-Science under general category.

Mr. Ghosh, learned Advocate for the petitioner submits that it would appear from the list of the qualified candidates that the petitioner scored 74.5333 marks which is much above the cut-off marks, consequently she was called for personality test but surprisingly was not allowed to participate in the said test. The petitioner is praying that the respondent commission may be directed to take her personality test.

Dr. Patra, learned Counsel for the Commission files a report as directed by the order dated December 22, 2022.

It appears from the said report that the Commission has made a mistake in assessing of the academic score of the petitioner. The petitioner secured below 50% marks in graduation level as such in terms of the rules she is entitled to 16 marks but the Commission erroneously awarded her 20 marks, therefore, the actual score of the petitioner is 70.5333 which is much below of the cut-off marks (72.6667). The Commission when detected said error did not allow the petitioner to participate in the personality test.

In view of the facts and circumstances discussed above the petitioner is not entitled to the relief as prayed for, accordingly W.P.A. 15148 of 2021 is dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**