

DL-24

16.08.2023
Court No.5
(AD)

WP.ST 97 of 2023

**Bubai Pratihar & Ors.
Vs.
The State of West Bengal & Ors.**

*Mr. Imtiaz Ahmed
Mrs. Ghazala Firdaus
Mr. Anindya Sundar Das
Mr. SK. Saidullah
Mr. Mithun Mondal
Mr. Md. Arsalan
Mr. Shaunak Ghosh*

... for the petitioners.

*Mr. Somnath Ganguly
Mr. Sukalpa Seal
Mr. Patikshit Goswami*

... for the State respondents.

Affidavits filed in Court be taken on record.

The writ petition is directed against an order dated May 10, 2023 passed in OA 404 of 2022 by the West Bengal Administrative Tribunal.

By the impugned order, the challenge of the writ petitioners to the selection process was negated.

The writ petitioners participated in the selection process for the post of Agragami of the West Bengal National Volunteer Force (WBNVF) in Civil Defence Organization.

The selection process was initiated by a notice bearing No.WBPRB/NOTICE-2021/6 (WBNVF-19).

The selection process contemplated a three tier process.

Of the three tiers, Physical Measurement Test (PMT)/ Physical Efficiency Test (PET) was the first tier, a written examination was the second tier and interview was the third tier.

In the selection process, 9368 candidates applied. 5211 were found ineligible. Of the 4157 eligible candidates, 108 were rejected at the time of the initial scrutiny of the application forms. 4049 candidates were called for the Physical Measurement Test (PMT) and Physical Efficiency Test (PET). 739 candidates were found absent in the PMT and PET. 3310 appeared in PMT and PET, of which 1509 failed. Therefore, 1801 candidates qualified for the competitive examination. In the final competitive examination, 22 candidates were found absent. Consequently, 1779 candidates appeared in the final competitive examination. The petitioners took the competitive examination. 509 candidates obtained lower marks and were not shortlisted for the interview. 173 candidates were rejected for wrong coding in OMR sheet/signature mismatch. Consequently, 1097 candidates were called for interview. The petitioners were shortlisted for the interview. At the interview, 485 candidates were unsuccessful/absent or rejected. 612 were found eligible and were recommended for the provisional appointment.

The writ petitioners before us fall in the category of unsuccessful candidates at the interview.

Contention of the writ petitioners are that, wrong key answers were given to three different questions in the written examination.

We find that, out of three questions which were pointed out as wrong key answers being given, two were correct. One apparently was faulty. However, all the candidates in the selection process were assessed on the basis of the key answers given. Petitioners participated in the selection process right upto the interview stage without protest. After becoming unsuccessful, they are now turning around and claiming that key answers to certain questions were wrong.

We are not inclined to allow the petitioners to question the selection process after they failed therein and after participating without demur.

The other contention of the petitioners is that, persons who were not eligible for recommendation for provisional appointment were included in such list.

We gave out anxious consideration to such allegation. The respondents filed an affidavit-in-opposition detailing the entirety of the selection process and the performance of each of the candidates participating in the selection process. Vacancies in the selection process were divided into different categories on account of reservations. Candidates were selected in accordance with the reservations prescribed. The marks obtained by the respective candidates who were

recommended for provisional appointment are disclosed in the affidavit-in-opposition as also the marks of the petitioners obtained in the selection process.

We find that, none of the petitioners obtained marks higher than any of the persons who were recommended for provisional appointment.

In such circumstances, we find no reason to interfere with the impugned order of the Tribunal.

WP.ST 97 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

