

31.07.2023
DL-5
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 15879 of 2023

Souvik Mandal
Vs.
State of West Bengal & Ors.

Mr. Kaushik Pradhan
...for the petitioner.

Mr. Suman Dey
....for the State.

Mr. N. C. Bihani,
Ms. Papiya Banerjee Bihani
....for WBPCB.

The petitioner participated in a recruitment process to the post of Assistant Environmental Engineer with the West Bengal Pollution Control Board (WBPCB) pursuant to Advertisement No.1 of 2020. The petitioner sat for the written examination. The petitioner made an application under the Right to Information Act on January 18, 2023. The petitioner was informed on February 10, 2023 by the Public Relation Officer & State Public Information Officer (SPIO) that his application was being processed. The petitioner did not prefer the first Appeal after 30 days. Thereafter, the petitioner received a reply dated July 17, 2023 during the pendency of the writ petition.

It appears from the said reply that the last selected candidate obtained 52 marks in the written examination. It also transpires from the said reply

that the petitioner obtained 31 marks in the said examination.

The document handed over in Court today is a reply to the RTI made by the petitioner. The said document is retained with the records.

Mr. Bihani, learned counsel appearing on behalf of WBPCB submits that the petitioner having participated in the selection process cannot now turn around and challenge the same after not being able to qualify in the said process.

Considering the rival submissions of the parties and the materials placed on record, this Court finds that the petitioner has not challenged the selection process of WBPCB. The petitioner is seeking to challenge the assessment of the answer scripts. However, after participating in the examination, the petitioner obtained 31 marks, which is way below the last selected candidate.

Therefore, this Court finds no infirmity in the decision making process of the authorities/WBPCB in rejecting the candidature of the petitioner. This Court is not minded to entertain a roving enquiry. There is no violation of any legal right of the petitioner.

Accordingly, **WPA 15879 of 2023** is **dismissed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Hon'ble Court.

Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Lapita Banerji, J.)