

16.08.2023
DL-27
(PP)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 16824 of 2023

Santosh Mandal
Vs.
The State of West Bengal & Ors.

Mr. Moniruzzaman,
Mr. Jahangir Badsha

...for the petitioner.

Mr. Rezaul Hossain

....for the State.

Supplementary affidavit filed in Court today be
retained with the records.

The petitioner participated for engagement as a Sahayak pursuant to a recruitment notification dated December 3, 2013 for appointment in different Gram Panchayats/Panchayat Samities issued by the District Magistrate, Purba Bardhaman. The petitioner's name did not appear in the panel that was prepared by the authorities concerned. The petitioner made an application under the Right to Information Act, 2005. The specific query of the petitioner was with regard to the marks obtained by him, cut-off marks to be obtained by the candidates in the written test and the highest and the lowest marks of the empanelled candidates.

From the reply to the RTI, it appears that the persons who were empanelled in UR category received more than 53.25 marks out of 85 in written test. The last selected candidate in UR category obtained an aggregate of 63.75 marks (written test plus viva voce).

The first empanelled candidate obtained 72 marks. The last wait listed candidate in UR category obtained 63.25 marks.

Mr. Hossain, learned counsel appearing on behalf of the State respondents hands over written instructions in Court today. Such written instructions are retained with the records.

From the said written instructions, it appears that the cut-off marks for a candidate to be called for interview was 49 in UR category.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that since the petitioner obtained 37 marks being an UR category, there was no perversity or arbitrariness in not calling the petitioner for viva voce held for selection to the post of Gram Panchayat Sahayak.

Accordingly, this Court finds no merit in the present writ petition.

WPA 16824 of 2023 is dismissed.

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

All parties shall act on the server copy 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.)