

04.07.2023
Item No.16 & 17
Ct. No.5
CHC

W.P.S.T.214 of 2013

**Ram Narayan Mandal & ors.
Vs.
The State of West Bengal & ors.**

With

**W.P.S.T.215 of 2013
Md. Shamim Anower & ors.
Vs.
The State of West Bengal & ors.**

Mr. Ekramul Bari,
Sk. Imtiaj Uddin
...for the writ petitioners

Mr. Tapan Kr. Mukherjee, Sr. Advocate & A.G.P.
Mr. Somnath Naskar
...for the State respondents

The writ petition is directed against an order dated February 5, 2023 by which, two Original Applications were disposed of as they involved similar issues.

Learned advocate appearing for the writ petitioners draws attention to the advertisement bearing Advertisement No.7/2011 published by the Public Service Commission, West Bengal. He submits that by such advertisement, applications were invited to fill up vacancy of Fishery Field Assistant. The writ petitioners participated therein. He submits that, the advertisement prescribed essential qualifications. He draws out attention to Clause-3 under the heading

'INFORMATION' to such advertisement. He submits that no cut off marks were fixed by the Public Service Commission prior to the commencement of the selection process. He submits that they purported to fix benchmark calling candidates for the interview. He submits terms and conditions of the selection process does not permit commission to do so.

State is represented.

We find from the records that, the writ petitioners participated in the selection of Fishery Field Assistant pursuant to the Advertisement No.7/2011 issued by the Public Service Commission, West Bengal.

Clause 3 of the 'INFORMATION' of such advertisement is relevant. The same is as follows:-

“3. *The prescribed 'essential qualifications' are the minimum and mere possession of the same does not entitle applicants to be called in for the interview. Where the number of applications received in response to the advertisement is large and it is not convenient or possible for the Commission to interview all the applicants the Commission may restrict the number of candidates for interview to a reasonable limit on the basis of either qualifications or experience higher than the minimum*

prescribed in the advertisement or on the basis of a Screening Test.”

Clause 3 permits the Commission to restrict the number of candidates for interview to a reasonable limit on the basis of either qualifications or experience higher than the minimum prescribed in the advertisement or on the basis of a Screening Test. The restriction of the number of the candidates to be called for in the interview was permissible. The participants knew that there can be a situation, where restriction in the number of the candidates called for the interview can be imposed by the Public Service Commission.

Public Service Commission opted for prescribing a benchmark calling the candidates for the interview. Nothing is placed on record, far less substantiated that, the writ petitioners were treated unfairly or arbitrarily or that the benchmark prescribed was not uniformly applied to all the candidates.

Prescription of the benchmark *per se* is not *de hors* to the provisions of advertisement. As noted above, the candidates were sent on notice by the Public Service Commission that there may arise a situation for restriction and that parameters for restricting the candidates to be called for the interview may be prescribed.

Writ petitioners participated in the selection process unconditionally.

Writ petitioners were unsuccessful due to the prescription of the benchmark.

In such circumstances, we find no merit in the present writ petition.

W.P.S.T. 214 of 2013 and **W.P.S.T. 215 of 2013** are **disposed of** without any order as to costs.

(Debangsu Basak, J.)

(Rai Chattopadhyay, J.)