

ML 72
01.05.2023
Court. No. 19
GB

WPA 17559 of 2022

Gayatri Mandal
Vs
The State of West Bengal & Ors.

*Mr. Tarunjyoti Tewari,
Ms. Rajlakshmi ghatak,
Mr. Bikramajit Dutta*

...for the Petitioner.

Mr. Srinath Sinmgha Roy

...for the State.

Affidavit-of-service filed in Court today, be kept with the record.

The petitioner alleges that the respondent no.10 had wrongly been selected as an ASHA. The ground for such challenge is that the petitioner obtained higher marks than the respondent no.10 in the Madhyamik examination. If 90% weightage to the marks secured at the Madhyamik examination is taken into account, in that event, the petitioner should be selected as the petitioner got 376 out of 800 in the said examination.

The learned advocate for the State respondents has filed a report prepared by the Sub-Divisional Officer, Malda Sadar. The mark sheet of the respondent no.10 has been annexed.

It appears that the respondent no.10 got 355 out of 800 in the Madhyamik examination and 90% weightage to the same amounted to 39.94. The petitioner obtained 5.14 at the interview and the respondent no.10 obtained 5.43 at the interview. The total marks secured by the petitioner in the

selection process was 42.27 and the respondent no.10 got 45.37.

The contention of the petitioner that the additional marks were not taken into consideration is not a valid submission in view of the fact that the guidelines categorically provide that 90% weightage shall be given to the marks scored at the Madhyamik or equivalent examination, but the marks obtained by the candidates in the additional/elective subject will not be added. The basis for such clause is to avoid discrimination amongst the candidates, inasmuch as, some of the examinations equivalent to the Madhyamik examination in the State of West Bengal do not offer any elective/additional subject. In this case, both the petitioner and the respondent no.10 had obtained marks in the elective subject but in cases of both, the elective subject was not taken into consideration and only the marks obtained in the main groups were added and 90% weightage was calculated.

The Court does not find any defect in the process adopted by the authority.

Accordingly the writ petition is disposed of without any orders.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)