

Item-3. 11-10-2023

MAT 1246 of 2022
CAN 1 of 2022

sg Ct. 8

Suvadip Manna & Ors.
Versus
The State of West Bengal & Ors.

Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the WBCSSC

1. The appellants have not filed any report taking exception to the report filed on behalf of the respondent nos. 5, 6 and 7.
2. In the report filed by the said respondents, it has been categorically stated that five appellants belong to different caste categories. The interview list of the concerned selection process was published in the year 2017 and final panel was prepared on 12th March, 2018 but during the lifetime of the panel, the appellants did not raise any grievance. The panel expired on 19th December, 2019. The writ application was affirmed in July, 2022 almost after five years.
3. The appellants are the candidates of First State Level Selection Test (Assistant Teacher), 2016 for classes IX-X in the subject History (Grad) which was conducted in terms of the West Bengal School Service Commission (Selection for Appointment to the Posts of Teachers for Classes IX-X in Secondary and Higher Secondary Schools), Rules, 2016.
4. The contention of the appellants was that they are candidates for being considered for Assistant Teachers of Classes IX-X in the subject History (Grad) in Bengali Medium of Schools and according to them, there was certain errors with regard

to the question no.6 and question no.40 and in view of such errors, they are entitled to two extra marks against the said two questions. This issue has been elaborately dealt with by the Commission in the report. The relevant portion whereof is stated hereinbelow:

“i) With regard to appellant no.1, who is an OBC-B category candidate, it appears that he is entitled to be awarded 1 mark for Question No. 40. However, with regard to Question no.6, as the appellant no.1 has already been awarded 1 mark. After awarding the said 1 mark for Question no.40, his total is increased only by 1 mark, bringing it to 88.33 marks which is less than the marks obtained by the last candidate who was called for interview/personality test whose score was 89.33.”

ii) With regard to appellant No. 2, who is a Schedule Caste category candidate, it appears that he is not entitled to be awarded any marks. The appellant No. 2 has already been awarded 1 mark for Question No. 6 and with regard to Question No. 40, as the appellant No. 2 did not choose the correct option, he is not entitled to any marks against Question No. 40, as a result of which his total remained unchanged, that is, 85.41 marks which is less than the marks obtained by the last candidate who was called for interview/personality test whose score was 86.

iii) With regard to appellant No. 3, who is a Schedule caste category candidate, it appears that he is entitled to be awarded 1 mark for Question No. 40. However, with

regard to Question No. 6, the appellant No. 3 has already been awarded 1 mark. After awarding the said 1 mark for Question No. 40, his total is increased only by 1 mark, bring it to 86 marks which is equal to the marks obtained by the last candidate who was called for interview/personality test.

iv) With regard to Nos. 4 and 5, who are OBC-A category candidates, it appears that even if 2 marks are allotted to the appellant Nos. 4 and 5 for Question Nos. 6 and 40, they will not be eligible to be called for the interview/personality test as even after adding the said 2 marks, their total marks will still be less than last candidate called for interview in the OBC-A category.”

5. In views of the aforesaid clear position and in absence of any exception submitted to such report, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails.
6. MAT 1246 of 2022 and the application being CAN 1 of 2022 are accordingly, dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)