

Dd 05 01.09.2023

WP.ST 103 of 2023

Sami Saikh
Vs.
The State of West Bengal & Ors.

Mr. Samim Ahmed,
Mr. Arka Maiti,
Mr. Ambiya Khatun, Advocates
... ... For the Petitioner

Mr. Somnath Ganguli, AGP
Mr. Balarko Sen,
Mr. Ritesh Kr. Ganguly, Advocates
... ... For the State

Mr. Sayan Sinha,
Mr. Adil Naser, Advocates
... ...For the respondent no. 5

The writ petition is directed against an order dated March 20, 2023 passed in OA 527 of 2022 passed by the West Bengal Administrative Tribunal. By the impugned order, the Tribunal, directed the Secretary & Controller of Examination, West Bengal Health Recruitment Board to intimate the writ petitioner about the total marks obtained by the writ petitioner in his testimonials and the cut off and total marks obtained for testimonials and interview obtained by the last successful candidate and communicate the same to the writ petitioner within eight weeks from the date of communication of the order.

The writ petition was taken up for hearing on diverse dates. A report was called for by an order dated August 2, 2023. The order dated August 2, 2023

required the Principal Secretary, Department of Health and Family Welfare, Food Safety Branch to submit a report in the form of an affidavit stating how the persons at pages 83 and 84 of the writ petition were given appointments and if there is any dereliction of duty on the part of any person, the measures and steps taken with regard thereto.

The order dated August 14, 2023 noted that, report as called for by the order dated August 2, 2023 was filed in Court.

The report was perused. On perusal of the report, it was found that, no material was produced before the Court to suggest let alone establish that the candidature of the writ petitioner was considered in terms of the distribution of marks specified in the advertisement dated December 6, 2017. In such circumstances, a direction was issued to the authorities to consider the candidature of the writ petitioner before us in terms of advertisement dated August 6, 2017, in particular reference to the distribution of marks for recruitment as specified therein.

The exercise was directed to be completed within a fortnight from the date of the order. Report of reconsideration was directed to be submitted. The writ petition was directed to appear in the list fortnight from the order dated August 14, 2023.

Thereafter, the writ petition was taken up for consideration on August 29, 2023.

A report in terms of order dated August 14, 2023 was filed in Court.

The writ petitioner participated in the selection process in terms of order dated August 14, 2023. A video recording of the interview was made. Video recording was shared with the writ petitioner.

The writ petitioner was unsuccessful despite the second interview being held in respect of the writ petitioner. The writ petitioner did not obtain marks higher than the persons already engaged.

Today, it is the contention of the writ petitioner that, no cut off mark was notified in the selection process. The writ petitioner secured 37 marks in the selection process. Attention of the Court was drawn to the affidavit initially filed. According to the writ petitioner, he was differently treated. Since one post was yet to be filled up, the writ petitioner should be granted the appointed.

State and one of the successful candidates were represented.

The report submitted in terms of the order dated August 29, 2023 establishes that, the educational and other qualifications of the writ petitioner were assessed. The writ petitioner was found not to be possessing any Doctorate degree and, therefore, no marks could be granted in respect thereof. The writ petitioner was also found not to be possessing essential five years experience in State/Government contract. He was also found not to be possessing additional years of experience of same nature. The total mark awarded was 35. Moreover, in the interview, he was found not to be able to answer the questions put to him.

The writ petitioner participated in the selection process to the post of District Food Safety and Inspecting Officer. His candidature was considered once prior to the intervention of the Court. His candidature was assessed afresh after order of Court. In both the opportunities, he was not successful. In fact, he was found not to be possessing some of the essential qualifications required.

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

WP.ST 103 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)