

05.12.2023
Court No. 13
Item No. 30
pk

WPA 18481 of 2023

Halima Gazi (Dhali)
Vs.
The State of West Bengal and Ors.

Mr. Sudarshan Ghosh

... For the Petitioner.

Ms. Rama Haldar

... For the State.

1. The respondent no. 3/the Sub-Divisional Officer has filed a second report, which is taken on record.
2. A tabulation of the marks for the educational qualification and interview of four candidates including that of the private respondent and the petitioner have been filed.
3. It appears that in 2009 the private respondent has obtained 451 marks against the total marks of 900 in Madhyamik Examination. In 2002 the petitioner has obtained 466 marks against a total of 800.
4. The said total marks of the petitioner and the private respondent have been taken as the marks obtained by them towards educational qualification. This appears to be ex facie illegal. When the total marks for the same qualifying examination are different for two persons, a percentage ought to be drawn out based on the marks obtained vis a vis the total marks.

5. This Court is not inclined to disturb the marks obtained by the private respondent or the petitioner in the interview.

6. The respondents are directed to apply a percentage of the marks by obtaining the same based on the actual marks obtained in the Madhyamik Examination in proportion to the total marks for which the examination was conducted. This must be applied only for the petitioner and the private respondent.

7. The panel shall be recast afresh. In the instant case, it shall be restricted only to the petitioner and the private respondent since the other unsuccessful persons have not come forward before this Court.

8. After obtaining the percentage of marks of the petitioner vis a vis the private respondent, the marks in the interview shall be added thereto. It is only thereafter that the actual picture will emerge as to who has secured more marks.

9. Let a suitable decision be taken by the Authority within a period of one month from the date of communication of a copy of this order.

10. The order of appointment of the private respondent shall abide by reprocessing directed as above. If the writ petitioner's total exceeds that of the private respondent,

Pratima Kayal, the latter's appointment shall stand quashed.

11. The writ petition is disposed of.
12. There will be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)