

04 **10.02.
2023**

Ct. No. 04

Ab

WP.ST 110 of 2022
Hashibul Alam
Vs.
The State of West Bengal and others.

**Mr. Sayan Ganguly,
Mrs. Sabnam Sultana.**
... for the petitioners.

**Mr. Biswabrata Basu Mallick,
Mr. Raja Saha.**
... for the State respondents.

Ms. Shraboni Sarkar.
... for the PSC.

Pursuant to the order dated 6th February 2023, Mr. Biswajit Manna, Deputy Secretary, Public Service Commission, is personally present in Court today. Several queries were made to him regarding the interpretation of the language used in the note in conjunction with the essential qualification. He has opined that there is no incongruity between the essential qualification as well as the note. However, he suggested that the authority could have been cautious in incorporating the relevant expression in order to avoid any ambiguity in the note.

In view of the above, we find that the moment essential qualification has been prescribed, the note has to be read in conjunction with the same. The expression “Bachelor Degree” without qualifying in the relevant subject cannot be construed in general sense, but it conveys an intention of the authority that the same is relatable to an appropriate subject required for appointment in a particular post.

Since the petitioner does not have the Bachelor Degree in a relevant subject, we do not find that there is any infirmity and/or illegality on the part of the Public

Service Commission in not considering his candidature.

Apart from the same, it has been brought to the notice of the Court by the learned Advocate for the Public Service Commission that the petitioner also did not secure the requisite qualifying marks for appointment. According to her, the petitioner secured 42 marks in the interview. On the other hand, the last candidate, who was appointed to such post, secured 45 marks.

From whatever way this Court look at does not find that the petitioner deserves to be appointed to such post.

Accordingly, the writ petition is dismissed.

There shall, however, be no order as to costs.

(Harish Tandon, J.)

(Prasenjit Biswas, J.)