

DL-4

22.09.2023
Court No.5
(AD)

WP.ST 131 of 2023

**Nuhul Akhtar & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Khairul Alam

... for the petitioners.

Mr. Pinaki Dhlole

Mr. Avishek Prasad

... for the State.

Ms. Shraboni Sarkar

... for the respondent no.3 and 5.

The writ petition is directed against an order dated August 10, 2023 passed in OA 140 of 2021 by the West Bengal Administrative Tribunal.

By the impugned order, the Tribunal did not find any merit to the case run by the petitioners before it.

The petitioners participated in a selection process for the post of Assistant Master/Mistress in Arabic in the English Medium Government High Madrasah under the Minority Affairs and Madrasah Education Department, Government of West Bengal initiated by the Advertisement No.4/2017 of the Public Service Commission.

Learned Advocate appearing for the writ petitioners submits that, the writ petitioners participated in such selection process. There were twelve vacancies. The writ petitioners succeeded in the written examination. They were called for interview. Twelve candidates were called for

the interview. But only one was recommended. He submits that, the merit list was not published. The cut-off mark was not prescribed before the examination. The petitioners were unfairly dealt with.

Learned Advocate appearing for the Public Service Commission submits that, the Full Commission by a decision dated September 19, 2014 decided that, excepting West Bengal Civil Services (Executive) etc. Examination and West Bengal Judicial Services Examination, in all cases of recruitment examination qualifying cut-off marks will be fixed at all stages for all categories as in selection cases. The Commission may further lower the qualifying level categoriwise as and when necessary in the event of non-availability of candidates for filling up vacancies in a particular category. She submits that, in the present case, the Commission decided that, any candidate receiving less than 40 per cent marks fixed for the interview would be recommended for appointment. She refers to the affidavit filed before the Tribunal in this regard.

In the affidavit filed before the Tribunal, Public Service Commission disclosed the number which the petitioners secured in the interview. Each of the petitioners secured less than 40 per cent of the prescribed cut-off marks for the interview. Public Service Commission did not act in derogation with the decision taken on the Full Commission dated September 19, 2014. Moreover, the advertisement under which the writ petitioners participated

in the selection process also provides that the Commission will be prescribing cut-off marks categoriwise and in the aggregate also.

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

WP.ST 131 of 2023 is dismissed without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

