

04 20.03.2023
rkd Ct.15

W.P.A. 23709 of 2017

Alok Mandal

-vs-

The State of West Bengal & Ors.

Mr. Rabin Kumar Gharai,
Ms. Soma Chakraborty,
Ms. Ananya Neogi

....for the petitioner.

Mr. Kanak Kiran Bandyopadhyay

.... For the SSC.

In the writ petition the order of the Secretary of the West Bengal Central School Service Commission dated 2nd July, 2014 is under challenge.

It has been contended on behalf of the petitioner that petitioner participated in 12th Regional Level Selection Test 2011 for appointment in the post of assistant teacher in Physical Education under Pass category being Male Scheduled Caste candidate. After completion of the selection process a combined merit list was prepared where petitioner ranked 185th.

The grievance which has been ventilated in this writ petition is four candidates who ranked below the petitioner in terms of merit in the combined merit list were recommended for being appointed in the post of assistant teacher in Physical Education under Pass category ignoring

the merit position of the petitioner. Petitioner preferred a writ petition being WPA 646 of 2014 which was disposed of vide order dated 7th May, 2014 thereby direction was given upon the Secretary of the West Bengal Central School Service Commission to take a decision. Pursuant to such order dated 7th May, 2014 a decision has been taken by the Secretary of the Commission as contained in Memo dated 2nd July, 2014 which has been questioned in the present writ petition.

This Court has heard the learned advocates representing the petitioner and the Commission being the principal respondents. Both the learned advocates have filed their affidavits respectively which are taken on record today.

On perusal of the order of the Secretary of the Commission dated 2nd July, 2014, it appears that petitioner ranked 185th in the combined merit list and it is true that four candidates who ranked 189th, 215th, 216th and 217th were recommended for appointment in the post of assistant teacher in Physical Education from the combined merit list. Petitioner apprehended that ignoring the merit position of the petitioner in the combined merit list below ranked candidates were recommended for appointment diluting the merit. However, on

perusal of the order of the Secretary of the Commission, it appears that it is true that four below ranked candidates from the combined merit list were recommended for appointment in the post of assistant teacher in Physical Education but these four candidates belonged to different categories. When petitioner belongs to Male, Scheduled Caste category, candidate who ranked 189th was recommended being General Female candidate, candidate who ranked 215th was recommended being OBC A candidate, candidate who ranked 216th was also recommended being OBC A candidate and candidate who ranked 217th was also recommended being General Female candidate. It appears from the order of the Secretary that no candidate who belongs to the category of the petitioner i.e. Male, Scheduled Caste was recommended from the combined merit list ignoring the merit position of the petitioner for being appointed in the post of assistant teacher in Physical Education. Therefore, it appears that there is no anomaly in recommending the aforesaid four candidates from the combined merit list who ranked below the petitioner considering the respective categories of those four candidates.

Accordingly, this Court does not find any

merit in the writ petition and the same stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)