

Dd 13 17.07.2023

WP.ST 132 of 2018

***Firoj Sk.
Vs.
The State of West Bengal & Anr.***

*Md. Sarwar Jahan,
Mr. Fazlur Rahman,
Mr. Argha Banerjee,
Mr. Maidul Islam Kayal, Advocates
... ... For the Petitioner*

*Ms. Shraboni Sarkar, Advocate
... ... For the Respondent PSC*

The writ petition is directed against an order dated September 7, 1918 passed by the West Bengal Administrative Tribunal in OA 536 of 2018.

By the impugned order, the claims of the writ petitioner were rejected.

The writ petitioner participated in a selection process for the post of Krishi Prayukti Sahayak Recruitment, 2016 under the Department of Agriculture, Government of West Bengal.

The scheme of recruitment for such post specified was as follows :-

"A. Scheme of Recruitment-

(i) Candidates shall have to appear at a Written Examination of 150 marks.

(Part-I: 120 Marks and Part-II: 30 Marks), Duration of the written examination will be 90 minutes.

(ii) Part-I will consist of Multiple Choice Objective Type Questions. There will be 120 questions, carrying 1 mark each. There will be negative marking of 0.25 mark for each wrong answer.

(iii) Part-II will consist of a single descriptive type question (writing of a Precis from a given English passage).

NOTE I: Candidates have to mark answers in respect of Multiple Choice Objective Type Questions of Part-I in one side of OMR Answer Script, whereas they shall have to write the descriptive question pertaining to Part-II on the reverse side of the OMR in the space allocated for that purpose.

(iv) Answer scripts of Part-II will be evaluated only for those candidates, who will be shortlisted, Category-wise, by the Commission on the basis of marks obtained by them in Part-I.

(v) Final merit list for written examination will be prepared by aggregating marks of Part-I and Part-II.

NOTE II: Candidates must secure qualifying marks fixed by the Commission in the Part I and Part-II.

NOTE III: Qualifying marks fixed for Part-II will be as the following :-

-For Unreserved Candidates/BC A/BC B Category : 10 Marks

-For Candidates belonging to SC Category: 7 Marks

-For Candidates belonging to ST Category: 5 Marks."

The case of the writ petitioner is that, the writ petitioner secured 84 number in the Part-I examination and, therefore, was above the qualifying marks prescribed. In respect of Part-II examination, the petitioner was awarded 5 marks. By reason of 5 marks being secured by the writ petitioner in Part-II examination, his candidature was disqualified.

Learned advocate for the writ petitioner refers to the orders dated February 4, 2019 and February 18, 2019 passed by the Court in the present writ petition. Referring to such orders, learned advocate appearing for the writ petitioner submits that, the answer script was directed to be produced by the Public Service Commission. He refers to the affidavit-in-opposition

which annexes the answer script of the writ petitioner. He draws the attention of the Court to the answer given by the writ petitioner in respect of Part-II. He submits that, the answer was not marked by the examiner as on the face of the page of the answer script, no mark was awarded. Consequently, the original should be directed to be produced and the petitioner be awarded proper marks.

The original affidavit-in-opposition is not on record today.

Learned advocate appearing for the writ petitioner makes over a copy of the affidavit-in-opposition to which, his client filed an affidavit-in-reply. Copy of the affidavit-in-opposition furnished by the learned advocate for the writ petitioner, be taken on record.

We perused the answer given by the writ petitioner in respect of the question of Part-II. The question required the writ petitioner to write a precise of a paragraph. We perused the answer given by the writ petitioner to such paragraph. We are of the view that the petitioner was indulgently marked in respect of the answer given in respect of Part-II.

The contention that the writ petitioner was not marked in respect of the answer is belied by the marks given by the examiner in respect of such answer. True, the mark awarded is not appearing on the face of the page of the answer sheet. That does not mean the answer sheet was not examined. The writ petitioner was awarded a mark of 5 in respect of such answer.

The scheme of the selection process requires that the candidates must secure qualifying marks both in Part-I and Part-II examinations. Although the petitioner secured qualifying marks in Part-I examination, he failed to obtain cut off marks in the Part-II

examination. Therefore, his candidature was rightly disallowed by the authorities.

We find no ground to interfere with the impugned order of the tribunal.

WP.ST 132 of 2018 is **dismissed** without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)