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S.D.

W.P.A. 25220 of 2022

**Kakali Ruidas
Vs.
State of West Bengal & Ors.**

Mr. Atish Kumar Biswas
Ms. Jyoti Agondal

..For the Petitioner

Ms. Tuli Sinha

...For the State

The petitioner applied in the Scheduled Caste category for being engaged as an Anganwadi Helper (AWH) pursuant to a recruitment examination held in 2019. The petitioner was called for an interview on July 28, 2022. The petitioner applied for engagement as AWH in Rajarampur Gram Panchayat, Kaliganj Block Development. The grievance of the petitioner is that instead of the petitioner being engaged in the Scheduled Caste category, the private respondent/respondent no. 12 was engaged as an AWH even though the private respondent applied as a General category candidate. Therefore, the appointment of the private respondent could not have been made in the SC category. This Court directed a Report to be filed by the State respondents.

From the Report filed by the Sub-Divisional Officer (SDO) Sadar, Krishnagar, Nadia and also the CDPO (Child Development Project Officer), Kaliganj Development Block, ICDS, it appears that even though the private respondent applied as a General Category candidate, she prayed for rectification of her candidature from General category candidate to SC candidate. The private respondent made a representation on July 25, 2022, prior to the interview. It was clearly recorded in the said representation that after she received her Admit Card for participating in the *viva voce* to be held on July 28, 2022, it transpired that her name was listed as a General category candidate and not as a SC candidate. The private respondent also produced a Caste Certificate showing that she is a SC candidate. The Caste Certificate was issued from the office of the SDO, Nadia on July 8, 2014.

The State respondents also produced the merit list of entire 12 candidates for Rajarampur Gram Panchayat. The private respondent has secured 6th position after obtaining 47.88 marks whereas the petitioner has secured 10th position after obtaining 40.75 marks.

The first candidate in the merit list even though a Scheduled Caste candidate was treated to be an Unreserved category candidate having obtained highest marks of 65.13.

Considering the rival submissions of the parties and the materials placed on record, this Court is of the view that no infirmity has been committed by considering the candidature of the private respondent as a Scheduled Caste candidate, upon her producing the Scheduled Caste Certificate during the time of the interview/*viva voce*. The merit list unambiguously shows that private respondent obtained more marks than the petitioner. Therefore, there was no infirmity in the decision-making process of the respondent authority in engaging the private respondent no. 12 as an Anganwadi Helper.

The submission with regard to the CDPO considering the representation of the petitioner dated July 25, 2022 without discussing the same with higher authorities cannot be accepted. Despite being a SC candidate and producing the Caste Certificate if the private respondent's candidature as a SC candidate not considered, there would have been perversity in the decision making process. Procedure is a handmaid of justice and the substantive right of a party cannot be frustrated by agitating procedural infirmity, if any.

In the light of the discussions hereinabove, **W.P.A. 25220 of 2022 is dismissed.**

All parties shall act on the server copy of this order duly downloaded from the official **website** of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all the formalities.

(Lapita Banerji, J.)