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Suman
Ct. 238

WPA 26683 of 2023

**Ardhendu Bhunia & Ors.
Vs.
The State of West Bengal & Ors.**

Ms. Susmita Saha Dutta
Mr. Niladri Saha
Ms. Madhurima Basu

...for the Petitioner

Mr. Sirsanya Bandapadhyay
Mr. Samimul Bari
Ms. Tapati Samata

...for the State

It is the grievance of the petitioners that they have not been allowed to appear for the interview for the post of Librarian in rural libraries in the district of Purba Medinipur. The petitioners submit that as per the relevant advertisement and the recruitment rules, the authorities should have called the candidates for the interview in the ratio of 1:5 against the notified vacancies.

It is an admitted position that the petitioners were successful in the written test but they were not called for the interview. It is the common case of the petitioners that if the ratio of 1:5 was followed against the notified vacancies, the petitioners would have been called for the interview.

Mr. Sirsanya Bandypadhya, learned advocate representing the State, on the other hand, submits that even before the issuance of the relevant advertisement, by a letter dated May 2, 2023, the

authorities fixed the criteria for computer test as follows:

“For Computer Test: Basic Computer knowledge is essential Qualification as per Recruitment Rule. The Pass marks of the Board Exams which is the Qualifying Academic Standard may be considered as the cut off marks for the computer exams.”

Accordingly, 3 out of 10 marks were fixed as qualifying marks in the computer test. Mr. Bandyapadhyaya has produced the result of the computer test to demonstrate that none of the petitioners could secure the qualifying marks.

I am, however, not inclined to interfere with the selection process on the ground that a criterion has been introduced beyond the scope of advertisement or the recruitment rules. The relevant recruitment rules provide that a candidate should have a basic computer knowledge necessitating the selector to evolve criterion for evaluating computer knowledge.

If I accept the contention of the petitioners that under all circumstances, the authorities are mandated to call candidates for the interview in a 1:5 ratio against the notified vacancies, the relevance of computer knowledge becomes redundant. In that event if a candidate secures no marks in the computer test, he would be allowed to participate in the interview. This cannot be proper interpretation of the recruitment

rules.

In my understanding, if the number of candidates successful in the computer test exceeds the number derived from applying the 1:5 ratio against the notified vacancy, only then the candidates in the ratio of 1:5 should be called for the interview. Conversely, if the number of qualified candidates in the computer test is less than the calculated 1:5 ratio, only the successful candidates in the computer test should be allowed to partake in the interview.

It cannot be said the authority acted beyond the scope of recruitment rules or the scope of advertisement. Mr. Bandyapadhyaya has rightly pointed out that criterion for computer test was introduced before the advertisement was published and as such, it is not the case where the rules of the game was changed after it had started. The petitioners have raised some issues regarding the procedural aspects of the computer test. The respondents dispute the allegations. However, I refrain from adjudication on disputed facts.

Accordingly, WPA 26683 of 2023 is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)

