

Court No.
02.8.2023

(Item No. 17)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 33227 of 2014

Chandan Das

VS

The State of West Bengal & Ors.

Mr. Partha Sarathi Das

Md. Hafiz Ali

Ms. Shanta Sarkar

Mr. Debojyoti De for the petitioner

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

.... For respondent Nos. 3 & 4

Mr. Partha Sarathi Das, learned advocate
appeared for the petitioner.

None appeared for the respondents.

Considering the issue involved in this writ
petition the representation of respondent Nos. 3 and 4
is necessary to decide the issue.

Ms. Supriya Dubey, learned counsel is present
in Court, who is an empanelled advocate with the
respondent Nos. 3 & 4. She is requested to appear
and hold the brief and assist the Court. Her
appearance shall be regularized by the office of the
respondent No. 3 forthwith.

Considering the issue involved in this writ
petition pending since 2014, the writ petition is taken
up for consideration and disposal, as any further
pendency of the writ petition would not serve any
useful purpose.

The petitioner claimed to be an aspirant in the
Regional Level Selection Test - 2010 (RLST- 2010)
for the appointment of **non-teaching staff**. The

petitioner participated in the selection test on **August 29, 2010**. The petitioner became unsuccessful and claimed copies of the answer sheets. The petitioner way back on **December 7, 2010** applied before the appropriate authority under the provision of the **Right to Information Act, 2005**. The petitioner further applied in an identical manner on **February 15, 2011, Annexure P-3** at **pages 29 and 30** to the writ petition. By a reply dated **March 4, 2011** the Commission informed the petitioner that, there was no provision for furnishing answer scripts to the petitioner. the petitioner continued to apply under the provision of the 2005 Act and applied on **April 28, 2011, June 27, 2011, November 28, 2011** at **pages 34 to 37** to the writ petition. The petitioner was then ultimately furnished with the answer scripts by the Commission on **September 15, 2014**, at **pages 45 onwards** to the writ petition along with the question booklet.

Learned counsel for the petitioner referring to these documents submitted that, there was a serious discrepancy between the question booklet and the answer script and the petitioner claimed the benefit out of it through this writ petition.

Ms. Dubey, learned counsel appearing for the respondent Nos. 3 and 4 referring to **page 45** from the writ petition submitted that, the commission had already intimated the petitioner by its communication

dated **September 15, 2014** that, the petitioner had secured only **9 marks** in Preliminary Test and the same was lower than the cut-off marks (**i.e. 14**) in Preliminary examination.

Considering the rival submissions made on behalf of the parties and considering the materials on record, at the out set it appeared to this Court that, the RLST was held in 2010 and the writ petition was filed in 2014 as the petitioner had discovered the discrepancy, according to him, in 2014 only.

From the documents of the commission dated **September 15/16, 2014** at **page 45** to the writ petition, it appeared to this Court that, the **petitioner did not come within the consideration zone** in the Preliminary Examination as he secured lower marks than the cut-off marks.

In as much as, today in 2023, since the selection process had been concluded long back, no cause exists as to why this Court shall intervene in the selection process of 2010 through this writ petition.

In view of the foregoing discussions and reasons, this writ petition being **W.P.A. 33227 of 2014** stands dismissed, without any order as to costs.

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

(Aniruddha Roy, J.)