

Court No.
03.8.2023

(Item No. 97)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 34027 of 2014

Mantu Mandal

VS

The West Bengal Central School
Service Commission & Ors.

Ms. Taharima Khatun

..... for the petitioner

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

.... For respondent Nos. 1 to 3

Ms. Taharima Khatun, learned advocate
appeared for the petitioner.

Ms. Supriya Dubey, learned advocate led by
Dr. Sutanu Kumar Patra, learned counsel appeared
for the respondent Nos. 1 to 3.

This is a hearing matter.

The State chose not to be represented.

The office report dated July 14, 2015 showed
that, despite direction made by a co-ordinate bench
on January 20, 2015 no affidavit-in-opposition was
filed.

After considering the issue involved in the writ
petition, considering the age old pendency of the writ
petition and upon perusal of the materials on record,
this Court thinks it fit that, any further pendency of
this writ petition will not serve any useful purpose
and accordingly the same is taken up for
consideration and disposal.

The petitioner claimed that, the petitioner was
an aspirant in the selection process for **12th Regional**

Level Selection Test (12th RLST- 2011). She was an aspirant for the post of **Assistant Teacher for History (Pass)** and applied as a **Scheduled Castes candidate**. The petitioner duly appeared in the written test held on **July 19, 2012**. When the merit list was published in 2013 the petitioner did not find his name and applied for obtaining his answer scripts in terms of the provisions laid down under the **Right to Information Act, 2005**. The answer scripts were provided to the petitioner as would be evident from **Annexure P-5 at page 30** to the writ petition.

Referring to diverse questions and answers with reference to the model answer key, Ms. Taharima Khatun, learned advocate appearing for the writ petitioner submitted that, though the answer in respect of several questions were found to be correct and in sync with the model answer key provided by the respondent No. 2, the petitioner was not awarded marks and as a result he could not come within the consideration zone for the Personality Test.

In view of the above, the petitioner filed the instant writ petition praying for the following reliefs:

“(a) Writ of and/or in the nature of Mandamus directing review/reassessment of the History (Pass) answer script of the petitioner of 12th Regional Level Selection Test (RLST) conducted by the respondent Commission by an independent examiner to be appointed by this Hon’ble Court;

(b) Writ of and/or in the nature of Mandamus directing the respondents to act in accordance with law and reconsider the issue of eligibility of the petitioner to appear in the personality test/interview for selection for the reserved (SC) post of Asst. Teacher in History (Pass) in the event any error/discrepancy is revealed upon reassessment/review of the answer script of the petitioner of the History (Pass) answer script of the 12th RLST conducted by the respondent commission.

(c) Writ of and/or in the nature of Certiorari directing the Commission to produce records of the case and in particular, “model answers” of the History (Pass) paper in Court so that the impugned assessment may be quashed and conscionable justice done to the parties;

(d) Rule Nisi in terms of prayers (a), (b) and (c);

(e) Interim order directing a Report to be filed by an expert/examiner to be appointed by this Hon’ble Court upon review/reassessment of the petitioner’s answer script of History (Pass) written test of 12th RLST conducted by the Respondent Commission;

(f) Interim order restraining the Respondent Commission from filling up one vacancy (reserved for SC) in the post of Assistant Teacher in History (Pass) on basis of the 12th Regional Level Selection Test, 2011, and personality test/interview conducted by the Commission, till disposal of the writ petition;

(g) Ad interim order in terms of prayer (e) and (f);

(h) such further writ or writs and/or order or orders as may be deemed fit and/or proper;”

Learned counsel for the petitioner submitted that, it is a fit case where the Court should intervene and grant relief in favour of the petitioner as claimed in the writ petition.

Ms. Supriya Dubey, learned counsel for respondent Nos. 1 to 3, at the out set submitted that, no relief can be granted as per **prayer “a”** to the writ petition there was no provision for **review/re-assessment/re-evaluation** of the answer scripts of an aspirant candidate in law. She submitted that, when law does not permit for **review/re-assessment/re-evaluation**, the Court cannot permit the same.

Ms. Dubey, learned counsel further submitted that, the selection process was commenced **in 2012**. The merit list was published **in 2013**. The counseling was completed **in 2015**. The panel was published and then expired on **March 24, 2015**.

In the light of the above submissions, learned counsel for the respondent Nos. 1 to 3 submitted that, this Court should not now intervene in the said selection process, the panel of which had already expired around eight years back.

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 relevant **RLST was held in 2012** and the writ petition was filed on or about **December 18, 2014** and the panel had expired on **March 24, 2015**.

The petitioner raised questions in respect of the evaluation of his answer scripts and claimed relief for review/re-assessment/re-evaluation thereof. The relevant rules governing the said RLST and/or the law relating thereto does not permit any review or re-assessment or re-evaluation of any answer scripts of the aspirant. In absence of any such statutory provisions, the Court cannot impose direction for review/re-assessment/re-evaluation of the answer scripts of the aspirant. In as much as, the Court is not the expert to assess the answer scripts of the aspirant petitioner.

Considering the relief claimed in the writ petition quoted above, this Court is of the firm view that, in absence of any specific statutory provisions on rules, the Court cannot direct review/re-assessment/re-evaluation of the answer scripts of the petitioner.

In as much as, today in 2023, since the relevant selection process had concluded long back with the **expiry of the panel on March 24, 2015**, no cause exists as to why this Court shall intervene in the selection process of RLST - 2011 through this writ petition.

In view of the foregoing discussions and reasons, this writ petition being **W.P.A. 34027 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.)