

Item No.39
30.11.2023
Court. No. 2
GB

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE JURISDICTION*

WPA 897 of 2022

Sri Sishir Sharma

VS

The Principal Secretary, Judicial Department
Government of West Bengal & Ors.

*Mr. Pratap Khati,
Mr. Sharon C-Lepcha*

...for the Petitioner.

*Mr. Hirak Barman,
Mr. Pretom Das*

...for the State.

Mr. Subir Kumar Saha

...for the Judicial Department.

This Court finds that several opportunities to file affidavits were given to the respondents, but no such affidavit has not yet been filed.

The Court is of the view that the grievance of the petitioner, prima facie, appears to be genuine. The petitioner applied for the post of Nepali translator in the District Judgeship of Kalimpong, pursuant to an advertisement vide notification No.RC01 of 2019.

It is contended that the examination was segregated into two sections, i.e., section A and section B or paper 1 and paper 2. Paper 1 or section A was subjective English and paper 2 or section B was translation. In the translation section, i.e., section B or paper 2, the petitioner scored the highest marks. He lost

out on marks at paper 1 stage which was subjective English.

It is contended that no distribution of marks had been indicated in the said section and just before the distribution of the question papers, the Chairperson of the recruitment committee informed the examinees that the distribution of marks of paper 1 or section A had not been decided and the candidates would be marked as per the discretion of the committee. It also appears that the petitioner did not come first in the personality test.

Mr. Saha, learned Advocate opposes the contentions of the petitioner and submits that the distribution of marks was only informed before the examination commenced and the authorities had adopted a resolution immediately thereafter.

This Court is of the view that the learned District Judge, Kalimpong should pass a reasoned order upon hearing the petitioner, by indicating the procedure that was followed at the time of holding stage 2 examination, specially paper 1 thereof. This Court is of the, prima facie, view that unless the candidates are informed about the marks distribution, it would be impossible for the candidates to answer the question satisfactorily. Distribution of marks should have been informed prior to holding the examination. Secondly, the learned District Judge will also inform the marks obtained by the petitioner in the different sections and the marks obtained by the selected candidate in the different

sections. The selected candidate shall also be given a hearing in the process. The parties may be represented by a learned Advocates. This Court expects that a specific order, explaining the methodology by which the examination was conducted and reflecting the transparency that was followed in such case, must be passed. This Court is also of the, prima facie, view that had the distribution of marks been announced at the examination hall, there should be some recording of the same in the resolution book or in the records of the recruitment process. Extract of which, should be made available to the petitioner.

The entire exercise shall be completed within a period of two months from the date of communication of this order.

Thus, the writ petition is disposed of.

However, there shall be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)