

15-09-2023
Court No.3
Sh/4.

**In The High Court At Calcutta
Jalpaiguri Circuit Bench**

WPA 1780 of 2023

**Mr. Kanai Sarkar
Vs.
The Secretary, Department of Civil Defence & Ors**

Mr. Arijit Ghosh,
Mrs. Swarnali Ghosh.
For the Petitioner.
Ms. Bedashruti Bose.
For the State.

The present writ petition has been filed by the petitioner seeking details of marks obtained by the candidates who were selected for Physical Measurement Test and Physical Efficiency Test including the marks obtained by the petitioner in the said test.

At the outset itself this Court has expressed its displeasure that the petitioner may file an application under the Right to Information Act for seeking information from the respondents' department. By way of filing a writ petition the petitioner cannot subjugate this Court to a Court seeking information under the grab of filing of a writ petition.

The brief fact of the case is that in terms of the advertisement dated 27-02-2013 for appointment of Home Guard Volunteers for different Districts of West

Bengal an advertisement was issued on 27-02-2013. In terms of the said advertisement the petitioner had applied.

The petitioner was issued an Admit Card on March 2018 to participate in the said recruitment process. The petitioner was further sent a call letter to participate in the first phase personality test on 25-06-2018. The petitioner did not receive a call letter for interview and had filed a writ petition being WPA 181 of 2022 alleging that despite the fact that the petitioner had appeared in the Physical Measurement and Physical Efficiency Test wherein he was successful but he had not received the call letter for interview. The petitioner was aggrieved by the final list published when the petitioner's name was not figuring in the final list. On this ground the petitioner had preferred a writ petition before this Court WPA 181/2022. The petitioner had also made a representation dated 14/07/2020 seeking similar relief. This Court in its earlier order dated 16-06-2022 WPA No.181/2022 had passed directions to the respondent to pass a speaking order after affording an opportunity of hearing to the petitioner

In terms of the compliance of the order dated 16-06-2022 in writ petition, WPA 181/2022 the

respondents gave personal hearing to the petitioner and passed a speaking order on 16-02-2023, wherein they had informed the petitioner that the marks obtained by the petitioner was below the cut off marks and he was not eligible for being called to the interview. Subsequently, the petitioner again made an application before the respondents on 08-03-2023 seeking details of the marks obtained by the successful candidates as well as his own.

This Court holds that the petitioner's grievance has already been addressed by the respondents by way of a speaking order dated 16-02-2023. It is clear that the petitioner was found not eligible to receive a call letter for the interview in view of the fact that he has secured less than the cut off marks. The matter pertains to an advertisement dated 27-02-2013, which is almost ten years old. The petitioner seems to have ventilated his grievance in one way or the other but has not been able to make out any case before this Court to intervene and pass any orders to supply copy of the marks obtained by the successful candidates as well as the petitioner. This Court observes that the petitioner is to stand on his own legs to support his case. The petitioner should have filed a writ petition with better particulars and information to make out a

case wherein relief could have been granted to the petitioner.

It is made clear that the petitioner is at liberty to file an application under the Right to Information Act to seek the detail, which is sought in the present writ petition.

The petitioner is granted liberty to pursue his case in accordance with law.

No case is made out by the present petitioner for any interference by this Court. The petitioner has already been denied the interview call due to his ineligibility in securing the cut off marks. The petitioner is desperate to seek an appointment as a home guard and has been filing petitions without any cause of action. The present petition is without any merit. Hence is dismissed without any costs.

(GAURANG KANTH,J.)

