

**MAT 67 of 2024
with
IA No. CAN 1 of 2024
CAN 2 of 2024
CAN 3 of 2024
CAN 4 of 2024**

**Mousumi Ghosh
Vs.
The State of West Bengal & Ors.**

Mr. Suti Kamal
Ms. Shireen Hossain
... For the Appellant

Mr. Saikat Chatterjee
Ms. Debeena Dasgupta
... For the State

Ms. Piyali Sengupta
Mr. Victor Chatterjee
... For the Respondent no. 3/
Public Service Commission

Order Dated: 08.04.2024

1. We have heard the learned counsel appearing for the parties.
2. The appeal is arising out of an order dated 20th December, 2023 in a writ petition in which the writ petitioner has prayed for her promotion to the post of Anganwadi Supervisor under Malda Chanchal Sub-Division.
3. During the pendency of the writ petition Justice Lapita Banerji passed an order directing disclosure of the marks obtained by the petitioner and other selected candidates in the interview. The State was directed to file the vacancy status that is required to be filled up by way of promotion for the post of Supervisors. However, when the matter

was ultimately disposed of this aspect of the matter was not considered and the learned Single Judge dismissed the writ petition on the ground that the person who is entitled to participate in a promotional process cannot claim it as a matter of right.

4. During the pendency of the appeal, we direct the State as well as the Public Service Commission to disclose the relevant facts. Pursuant to the said direction, the Public Service Commission has filed an affidavit disclosing the following details:-

5. “The method of recruitment of those AWW/CW workers was by way of promotion by selection through a recruitment test to be conducted by the Public Service Commission, West Bengal in two parts, which are as under:

a) Part-I: The candidates sponsored by the Department of Women and Child Development and Social Welfare, Government of West Bengal will be called for written test of 400 marks consisting of 4(four) papers - (i) Bengali, (ii) English, (iii) General Knowledge & Current Affairs and (iv) Arithmetic with 100 marks in each paper.

b) Part-II: A selected number of candidates will be called for Viva Voce test of 50 marks on the basis of their merit in the Part-I written test. It was also stipulated in the said notification that the final merit list would be prepared on the basis of total marks obtained in Part-I and Part-II examination taken together.

6. The said notification further mentioned that the Public Service Commission, West Bengal shall have the discretion to fix qualifying/cut off marks for all categories of vacancies in each level of the examination i.e. for written test and viva voce test in base of selection for promotion.

7. The said notification containing method of recruitment in case of promotion by selection envisages 90% of the post of Supervisors would be filled up from the Anganwadi Workers (AWW) and the rest 10% from the Case Workers (CW) under the Controller Vagrancy, West Bengal.

8. The appellant/petitioner, in the said appeal and the application, has relied on a notification of the said Department dated 26th March, 1997. It is made clear that such notification was superseded by the notification of the said Department bearing No. 1128-SW/O/3E-16/15 dated 25th February, 2019 under which the subject recruitment process was conducted by the Public Service Commission, West Bengal.

9. In any event, the Public Service Commission, West Bengal fixed the cut-off marks out of 400 marks for different categories of candidates, which are as follows:-

(i) For General candidates-	180.5
(ii) For Other Backward Class (OBC)-A	156.5
(iii) For Other Backward Class (OBC)-B candidates-	180.5
(iv) For Schedule Caste (SC) candidates-	164.5
(v) For Schedule Tribes (ST) candidates-	132.0
(vi) For Physically Handicapped-Locomotor Disability or Cerebral Palsy (PG-LDCP) candidates-	147.0

10. The performances of the appellant/petitioner and the other intervenors/applicants (being applicants in CAN Nos. 2 to 4 of 2024 in the said recruitment examination are as follows:-

The performances of the appellant / petitioner and the other intervenors / applicants (being applicants in C.A.N. Nos. 2 to 4 of 2024) in the said recruitment examination are as follows:-

Sl No.	Name	Roll No.	Category	Marks obtained				Total
				P-I	P-II	P-III	P-IV	
1.	Mousumi Ghosh	0210724	OBC-B (LD/CP)	8.0	43.0	20.0	11.0	82.0
2.	Aruna Sharma	0205603	SC	16.0	36.0	15.0	0.0	67.0
3.	Mitu Mandal	0201439	ST	14.0	44.0	18.0	12.0	88.0
4.	Beauty Singha	0200230	GENL	4.0	30.0	36.0	5.5	75.5
5.	Rakhi Swarnakar	0204131	OBC-B	4.0	31.0	6.0	15.5	56.5
6.	Tanushree Saha	0210065	SC	8.0	74	25	12	119.0
7.	Mst. Habiba Khatun	0207153	OBC-A	8.0	19	12	5.5	44.5
8.	Chand Sultana Parvin	0207380	GENL	10.0	62.0	21.0	27.5	120.5

Copies of marks obtained by the candidates, as downloaded from the website of the Commission are annexed hereto and mark collectively with the letter “R-3”.

11. The aforesaid disclosure makes it clear that the written marks obtained by the appellant as well as other applicants for the said post could not obtain the cut-off marks in their respective categories and therefore, do not qualify in the viva-voce test. There is a categorical statement on behalf of the Public Service Commission that the marks of unsuccessful candidates in the said recruitment process were uploaded by the Public Service Commission on its website on 12th April, 2023.

12. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.

13. The appeal thus fails.

14. MAT 67 of 2024 stands dismissed along with connected applications.

15. However, there shall be no order as to costs.

16. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Soumen Sen, J.)

(Uday Kumar, J.)