

WPA 790 of 2024
Sri Rudra Prasad Mitra
Vs.
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Mr. Somesh Ghosh

...for the Petitioner

Mr. Bhaskar Prasad Vaisya,
Mr. Sagnik Chatterjee

...for the State

Mr. Monish Sen,
Ms. Oisani Mukherjee

...for Respondent Nos. 5-7

Mr. D. N. Chatterjee

...for Respondent No. 9

The petitioner was an aspirant for the post of Clerk at Dasarathi Hazra Memorial College, Purba Bardhaman, but he was not successful in the selection process. By making various allegations against the selection procedure, the petitioner has filed this writ petition.

This Court on February 9, 2024 directed the college to produce the records including the answer-scripts of the petitioner as well as of the selected candidates.

In compliance with the said order, the college has produced the records.

After going through the said records, learned advocate appearing for the petitioner submits that though the petitioner scored higher marks than that of the selected candidates in the written test, he was given much less than marks in the computer test as well as in the interview. He further argues that on account of experience, the selected candidate was given additional

five marks. Such allocation of marks was not in terms of the relevant advertisement. He submits that the selection committee deliberately awarded higher marks to the petitioner in the interview and in the computer test so as to keep him outside the zone of selection.

On the other hand, the college submits that the selection committee was constituted strictly in terms of the notification no. 940-Edn (CS)/4E-25/2010 (Part) dated August 25, 2017 issued by the Department of Higher Education of the State. He submits that most of the selectors were outsiders and therefore, the question of favouritism does not arise in this case.

I am of the view that the selection procedure cannot be interfered with on the ground that in the computer test and in the interview, the selected candidate was provided higher marks than that of the petitioner. The performance of the petitioner in the interview or in the computer test on the particular date cannot be reassessed by this Court sitting in the writ jurisdiction. When the selection committee was constituted in terms of the applicable notification and there is no allegation of bias against the selectors, this Court is not inclined to interfere with the selection process with regard to the grant of additional marks on account of experience.

I am also of the view that such allotment of

additional marks for in-service candidate was permissible in view of the aforesaid notification dated August 25, 2017 issued by the Government of West Bengal. Therefore, it cannot be said that the selection committee acted illegally in granting additional five marks to the in-service candidate.

Accordingly, **WPA 790 of 2024** is not entertained and the same is dismissed.

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

(Kausik Chanda, J.)