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22.05.2024
Ct. No. 11
rrc

WPST 67 of 2024
(Romana Rumki Vs. The State of
West Bengal & Ors.)

Mr. Dyutimoy Paul
Mr. Akash Dutta
.... For the petitioner

Mr. Tapan Kumar Mukherjee, Ld. AGP
Ms. Sangeeta Roy
Mr. Somnath Naskar
..... For the State respondents

Ms. Piyali Sengupta
Mr. Victor Chatterjee
..... For the P.S.C.

The present writ petition questions the justifiability of the order dated March 14th, 2024 passed in O.A. no. 08 of 2024.

Sometimes in 2019, a selection process came to be initiated to fill up the 2954 numbers of the post of Supervisor (female) under the Department of Women and Child Development and Social Welfare, Government of West Bengal. An indicative advertisement *vide* no. 08 of 2019 was published in the official *website* of the Public Service Commission (in short, the Commission).

The petitioner participated in the selection process as a candidate belonging to OBC-A category. According to the scheme of examination, the examinations were held in three parts, viz. (i) Part-I: Preliminary Screening Test (Objective Multiple Choice Question), (ii) Part-II: Written Examination (Conventional Type) followed by (iii) Part-III: *Viva voce* Test.

After qualifying in the preliminary screening test, the petitioner appeared in the written test of 400 marks (conventional type). The petitioner secured 243 marks whereas the score of the last selected candidate in the OBC-A category was 248.

The petitioner preferred an original application being O.A. no. 08 of 2024 alleging that the answer scripts had not been properly evaluated and she was not awarded the appropriate marks she deserved. According to her perspective, if the answer scripts had been evaluated correctly, she believes she could have scored higher than the last selected candidate.

The learned Tribunal refused to exercise its jurisdiction on the reasoning that it cannot play the role of an expert over the experts of the Commission who had evaluated the answer scripts. Hence, this writ petition.

Mr. Paul, learned advocate appearing in support of the writ petition alleged that certain questions received no marks at all, while others were not adequately graded. He highlights certain specific answers to argue that lesser marks were given to the petitioner, and for one answer, no marks were awarded at all.

Pursuant to our previous directive, Ms. Sengupta, learned advocate representing the Commission produces the original copies of the answer scripts. She denies the petitioner's assertion and argues that 'zero marks' were awarded for that question and for the remaining questions, as located by Mr. Pal, appropriate marks were awarded.

Mr. Mukherjee, learned Additional Government Pleader appearing for the State respondents submits that the selection

process has been completed. He informs that out of total number of vacancies being 2954, recommendation have been made for 2931 vacancies and for the remaining 23 vacancies, which were reserved for Meritorious Sport Persons (MSP), no recommendation has been made due to non-availability of the suitable candidates.

Heard the learned advocates appearing for the respective parties. Perused the materials on record.

It is not a case of the petitioner that a different yardstick was applied for marking the answer-scripts of the petitioner.

We find no substance to accept Mr. Paul's claim that no marks were awarded for the answer to any question. Regarding his next point of contention that certain answers were not properly marked, we believe that we cannot sit in appeal over the evaluation made by the experts of the Commission. As such, we see no justification to express any view at the variance of the view taken by the learned Tribunal.

Therefore, we do not find any error, least to say any patent error or jurisdictional error in the order impugned in the writ petition warranting interference with the same.

As a result, the writ petition stands dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)