

**2407
2024**

WEDNESDAY

Court : 08
Item : DL-01
Matter : MAT
Status : DISMISSED
Bench ID : 266006
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

**MAT 1163 of 2024
with
CAN 2 of 2024**

Sudip Kumar Mahato
Vs.

The State of West Bengal & Ors.

**Mr. Dibyendu Chatterjee, Advocate
Mr. Pritam Majumdar, Advocate
Mr. Shiladitya Rakshit, Advocate
Mr. Rahul Deb Goyenka, Advocate
Mr. Mainak Singha Barma, Advocate
Ms. Satabdi Das, Advocate**

.....for the Appellant

**Mr. Santanu Kumar Mitra, Advocate
Mr. Amartya Pal, Advocate**

.....for the State

**Mr. Saikat Banerjee, Advocate
Mr. Ratul Biswas, Advocate
Mr. Kaushik Chowdhury, Advocate**

.....for the WBBPE

1. The appellant made a desperate attempt by approaching the Writ Court making out a case in a circuitous manner so that the Court on the face of it may find a flagrant violation of the right conferred upon the aspiring candidate at the behest of the statutory authority.
2. The dispute pertains to the recruitment process initiated for appointment of Assistant Teachers in a Primary School for the year 2022 and invited the applications from the aspiring candidates who had the requisite educational qualification in terms of the relevant Rules and the notification applicable in this regard. At the time of uploading the application, the aspiring candidate has to disclose

the information as sought for in various paragraphs and a declaration was appended at the bottom that, in the event, the authority found any such information to be incorrect or false, his application shall be liable to be cancelled and the permission to sit in the recruitment examination may be denied. The dispute hovers around the declaration of the appellant regarding the percentage of marks secured by him in the Higher Secondary Examination.

3. According to the appellant, in the Higher Secondary Examination, he secured 60.83% marks and, therefore, is eligible to sit in the examination or in other words, to offer his candidature for the said recruitment process.
4. At the time of scrutiny and verification of the documents relied upon by the appellant in support of such declaration having made in the said application, it was found that he did not secure 60.83% marks in the Higher Secondary Examination. The appellant was denied to participate in the recruitment process. After the panel was published, the appellant/petitioner approached the Writ Court despite the fact that his candidature was cancelled and/or permission to participate in the recruitment examination was denied.
5. The Single Bench after noticing the mark-sheet issued by the West Bengal Council for Higher Secondary Education found that the percentage of marks which he declared to have obtained therein is false and/or inaccurate. He secured 46.70%

marks and, therefore, the declaration that he obtained 60.83% is out and out false. The writ-petition was moved taking shelter under the examination conducted by the West Bengal State Council of Vocational Education and Training which according to the appellant is equivalent to the Higher Secondary Examination and the disclosure has to be considered in this regard wherein the appellant obtained 60.83% marks.

6. There appears to be a fallacy in the stand of the writ-petitioner. Firstly, the disclosure as evident from the application annexed to the instant stay application revealed the name of the examination/course to be Class-XII and the Board, Council/University column is filled with 'WBCHSE'. The aforesaid disclosure if read in conjunction with the mark-sheet relied upon by the appellant, would reveal that the said abbreviation stands for West Bengal Council for Higher Secondary Education which by no stretch of imagination can be said to be West Bengal State Council of Vocational Education and Training. In the latter case, the abbreviation would be different than the former case. There is a conscious declaration that the appellant secured 60.83% marks in the Class-XII examination conducted by the West Bengal Council for Higher Secondary Education and it is inconceivable that the same would be treated at par with Examination conducted by West Bengal State Council of Vocational Education and Training.
7. The stand of the appellant that the examination conducted by the West Bengal Council for

Vocational Education and Training is equivalent to Higher Secondary Examination conducted by the West Bengal Council for Higher Secondary Education, the disclosure would have been more specific and should not partake a character of a falsehood.

8. We have been given to understand by the learned Advocate appearing for the respondent-authority that the academic requisite percentage of marks to be obtained in a Class-XII examination is 50% and evidently, the petitioner did not secure 50% marks in the Class-XII examination conducted by the West Bengal Higher Secondary Education. There is an apparent inaccuracy in disclosure of the percentage of marks and in view of the declaration appended to an application duly signed by the appellant knowing the consequence thereof, there is no illegality in rejecting the candidature of the appellant. Consequently, we do not find any infirmity and/or illegality in the order of the Single Bench in dismissing the writ-petition.
9. The appeal sans merit.
10. The same being **MAT 1163 of 2024** is **dismissed**. The connected application being **CAN 2 of 2024** is also **dismissed**.

(Harish Tandon, J.)

(Shampa Dutt (Paul), J)

