

MAT 2413 of 2023
with
IA No. CAN 1 of 2023
with
IA No. CAN 2 of 2023
(Satyajit Ghosh Vs. The State of West Bengal & Ors.)

Syed Arif Ahmed

..... For the appellant

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Iti Dutta

..... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

..... For the WBCSSC

As we have invited the learned advocates appearing for the respective parties to argue on merits, we have condoned the delay in preferring the appeal. The delay in preferring the present appeal is condoned and the application being IA No. CAN 1 of 2023 is disposed of.

This appeal is directed against the order dated 22nd November, 2022 passed in a writ petition being WPA No. 23832 of 2022 whereby the writ petition preferred by the writ petitioner/appellant(hereinafter referred to as the appellant), was dismissed.

Shorn of unnecessary details, the facts giving rise to this appeal are that a selection process was undertaken to fill up the post of Assistant Teacher in upper primary school along with other posts. The appellant offered his candidature for the post of Assistant Teacher in upper primary school and accordingly, he appeared in 1st State Level Selection Test (AT), 2016 conducted by the West

Bengal School Service Commission. After the result was published, the appellant made a representation before the Commission ventilating his grievances to the effect that he had not been awarded marks for having qualification of B.Sc. and B.Ed.

On receipt of such representation, the concerned authority passed an order dated 8th December, 2021 wherefrom it is explicit that despite awarding marks to the appellant as per the marks obtained by him in Graduation and B.Ed. examination, the appellant could not secure the cut off marks and hence, he has not been called for interview.

The order dated 8th December, 2021 was called in question by preferring the writ petition, which was dismissed by the order impugned in this intra-Court appeal.

Mr. Ahmed, learned advocated appearing for the appellant submits that the appellant had not been granted appropriate marks.

Dr. Patra, learned advocate appearing for the Commission riposted such contention of Mr. Ahmed.

Drawing our attention to the relevant rules and Schedule of the West Bengal School Service Commission (Selection for Appointment to the post of Teacher for Upper Primary Level of School) Rules, 2016 (in short, the Rules of 2016), he makes a fervent plea that since the appellant uploaded illegible mark-sheets containing the

marks obtained by him in graduation and B.Ed. examination, and as such, no marks were awarded to the appellant but upon considering his representation, appropriate marks have been allotted to the appellant, but the appellant could not secure the cut off marks.

Heard the learned advocates appearing for the respective parties and considered the materials on record including the Rules along with its annexure being Schedule II.

We have carefully considered, checked and verified the Schedule II of the Rules of 2016 and we are satisfied that the appellant was awarded marks as per the prescriptions made in the Schedule II of Rules of 2016 but despite making allotment of marks which was not allotted to the appellant earlier, the appellant could not secure the cut off marks and hence, the appellant had not been called for interview.

We do not find any illegality in the order impugned and accordingly, the appeal and the application for stay being CAN 2 of 2023 are, thus, 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.)