

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

The Hon'ble Mr. Justice Jay Sengupta

WPA 861 of 2024

Beuti Roy

Vs.

The State of West Bengal & Ors.

For the Petitioner : Mr. Satyam Sarkar,
Mr. Mrinmoy Ch. Laskar.

For the State : Mr. Subir Kumar Saha,
Mr. Pradip Sarkar.

For the Respondent No.5 : Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah.

Heard on : 30.07.2024

Judgement on : 30.07.2024

Jay Sengupta, J. :

1. This is an application for consideration of the petitioner's representation and for re-determination of the post that was allotted to the private respondent.

2. Affidavit of service filed on behalf of the petitioner is taken on record.

3. Report filed on behalf of the State is also taken on record.
4. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner applied for the post of “Asha” worker under Kuklchi Bari Gram Panchayat in Cooch Behar. An interview was held. Surprisingly, the petitioner was not chosen and instead, the private respondent was selected. The petitioner came to know that the private respondent had undergone an open school course.
5. Learned counsel appearing on behalf of the private respondent denies the allegations and submits that the private respondent is very much entitled to and eligible for the post. There is no distinction whatsoever between an open school course and a regular course.
6. Learned counsel appearing on behalf of the State relies on the report and submits as follows. In all, 33 candidates sat for the interview for being appointed as “Asha” worker. Out of them, 8 candidatures were found to be valid, which included the petitioner as well as the private respondent. However, the private respondent had secured 430 out of 700 marks in the secondary examination, which is higher than the marks 370 scored by the petitioner out of 700. The organization/respondents do not make any distinction between an open school course and a regular course.
7. It does not appear that there is any provision of applicable law by which an open school course can be treated differently than a regular course.

8. It is also evident that the private respondent had secured higher marks/percentage in the secondary examination.
9. Thus, there is no defect in the manner in which the selection process was conducted.
10. Therefore, I do not find any merit in this application.
11. Accordingly, the same is dismissed, however, without any order as to costs.
12. Urgent Photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)