

16.01.2025
Court No.23
ML/Item No.-276
[Milan, A.R. (Ct.)]

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

WPA 1445 of 2024

**Koma Das
versus
The State of West Bengal & Ors.**

Mr. Sufi Kamal,
Mr. Shireen Hossain,

....for the petitioner

Mr. Pantu Deb Roy,
Mr. Jaladhi Das

....for the State

The report in the form an affidavit filed by the respondent no.5 along with the petitioner's reply thereto, is taken on record in Court today.

The petitioner participated in a selection process for engagement of Accredited Social Health Activist (in short, "ASHA") in various blocks under Chanchal Sub-Division, District- Malda published on 3rd March, 2023. The petitioner says that the selection process was based on two segments. In the first segment, the marks of the applicant is allotted on the basis of her performance in the board examinations by which the candidate acquired her academic qualifications. The balance marks was allotted in the interview. The petitioner says that she, on the basis of her academic qualifications, had received higher marks in the first segment of the selection process.

The second segment being the interview, petitioner was given very less marks for which the aggregate of the two segments' marks came down. The petitioner was, therefor, the second select candidate. The petitioner says that in an arbitrarily and wrongful manner, the petitioner has been eliminated from the final selection process on being placed in the second position. The petitioner, therefor, has challenged the entire selection mechanism as also the selection of the respondent no.3 as the successful candidate.

The law is well-settled as held in **2010 (12) SCC 576 [Manish Kumar Shahi vs. State of Bihar & Ors.]** that a candidate after having participated in a selection process on being unsuccessful cannot fall back and challenge the entire selection process alleging that the same is contrary to law as has been done in the instant case.

A participant of a selection process is, however, not debarred from challenging the selection process but the same has to be on a limited scope like intransparency, arbitrariness of the selection process.

In the aforesaid facts and circumstances, I do not find any subsistence in the contention of the petitioner. The writ petition fails and is accordingly dismissed.

(Arindam Mukherjee, J.)