

06.02.2025

Court No.23
DL - 1
(PP)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 3065 of 2024

**Halima Gazi (Dhali)
versus
The State of West Bengal & Ors.**

Mr. Sudarshan Ghosh

.... for the petitioner.

Mr. Suman Sengupta,
Mr. Arindam Mondal,
Mr. Sanatan Panja

....for the State.

After hearing the parties and considering the materials on record, I find that the grievance ventilated by the petitioner is of substance. Indeed, a different mechanism has been followed to assess the marks of the various candidates obtained while acquiring their respective educational qualification who have participated in the selection process.

It is well-settled position in law that the Courts are loathe in interfering with the selection parameters as the same is fixed after due application of mind and lot of thought process. However, in the instant case, the selection criterion is not challenged but the application of the selection criterion is found to be different for different candidates. This cannot be allowed in a selection process, particularly where the government agencies are interfered.

In the aforesaid facts and circumstances, the same standard, procedure and mechanism has to be followed to assess the marks to be given to each candidate on appreciation of their respective academic qualification. Since, it is apparent as held hereinabove that different standards have been followed while assessing different candidates, the merit list prepared on 22nd December, 2023 by the District Magistrate, South 24-Parganas and the Chairperson, District Level Selection and Monitoring Committee (ASHA), South 24-Paarganas is also faulty and is accordingly set aside.

The authorities are directed to assess the marks that may be obtained by the candidates on the basis of their respective academic qualification as per the selection criterion by adopting the same standard, procedure and mechanism, that is to say either by excluding the additional/elective subject or by including it for all. The entire exercise should be completed within a period of 8 weeks from date.

Since the selection list prepared on 22nd December, 2023 has been set aside and/or quashed, unless the re-assessment and/or fresh assessment takes place as directed hereinabove, no further engagement under the subject selection process shall take place. The marks reassessed/assessed afresh shall be made known to the candidates by official

communication after publishing the merit list on the basis of the marks obtained.

The authorities, however, will be free, after reassessment and/or fresh assessment as indicated hereinabove, to prepare the merit list and give appointment/engagement in accordance therewith.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Arindam Mukherjee, J.)