

W.P.S.T. 31 of 2025

Adarsha Purkait
Vs.
The State of West Bengal & Ors.

Ms. Piyali Sengupta,
Mr. Victor Chatterjee,
Mr. Barnamoy Basak

...for the Petitioner

Mr. Tapan Kumar Mukherjee, Id. A.G.P.,
Mr. Somnath Naskar

...for the State Respondents

1. Heard the learned counsel for the writ petitioner as well as the learned A.G.P.
2. The petitioner participated in a recruitment process for recruitment of Forest Guard in the year 2017. He was awarded 71.25 marks in the written test. The cut off marks in this category (OBC-B) was 80.25 for going to the next stage of recruitment i.e. Physical Standard Test/Physical Education Test ('P.S.T/P.E.T.' for short). The petitioner under the circumstances raised an issue regarding the cut off marks and came to learn by way of information supplied under the R.T.I. Act, 2005 that the cut off marks in this category was 80.25 whereas the cut off marks for unreserved was 76.25.
3. It was a specific case of the writ petitioner that under no circumstances, the cut off marks for a

reserved category can be fixed higher than an unreserved category.

4. Raising such an issue, the petitioner moved the Calcutta High Court in W.P.A. No. 5747 of 2024. The High Court in its order dated 03.07.2024, asked the applicant to approach the West Bengal Administrative Tribunal ('S.A.T.' for short), thereafter the O.A. No. 448 of 2024 was filed. The O.A. was dismissed by the S.A.T. by an order dated 01.10.2024, which is the subject matter of the present writ petition. The S.A.T. has dismissed the O.A. on the ground of delay.
5. The learned counsel for the writ petitioner submits that the S.A.T. has misdirected itself in dismissing the petitioner's Original Application on the ground of delay. Since the writ petitioner was diligently following the issue by raising queries under the R.T.I. Act, 2005 and thereafter approached the High Court in the writ proceedings, it is not a case where it can be said that there was any delay on part of the writ petitioner.
6. The other submission advanced is that the petitioner has been deprived of a vital opportunity for recruitment by fixing a cut off marks higher for this reserved category (OBC-B) than which was fixed for the unreserved category.

7. The learned A.G.P. on the other hand submits that the recruitment process had ended by forwarding of recommendations in the year, 2018 itself. The Original Application filed by the writ petitioner was belated on the ground of pursuing a wrong remedy before the High Court.
8. The last submission is that even if the claim of the applicant/writ petitioner is accepted and he is allowed to go to the next stage of the recruitment process, the petitioner would still remain an unsuccessful candidate. He submits that the award of 71.25 marks to the petitioner in the written test is not in dispute. He has also shown to the Court the cut off marks for final selection in the petitioner's category (OBC-B) which is 87.05. In the final selection stage the cut off marks for the petitioner's category is less than unreserved category (88 marks). Even if the petitioner is allowed to appear for P.S.T./P.E.T. and awarded full marks (10), and 10 marks are added to his written test score (71.25), at best the petitioner would score 81.25 marks which would still be way below the cut off marks in his category (87.05 marks).
9. It is, therefore, submitted that in view of the settled principle of law this Court should not entertain the plea raised by the writ petitioner as

invocation of the writ jurisdiction under Article 226 of the Constitution of India is normally not permitted, where such exercise would be futile.

10. The learned counsel for the petitioner relied upon a decision of the Apex Court in the case of ***P.V. Indiresan & Ors. Vs. Union of India*** reported in ***(2009) 7 SCC 300***.
11. We find the same has no application to the facts and circumstances of the present case. In the case of ***P.V. Indiresan & Ors.*** (*supra*), a different issue was considered by the Apex Court, regarding cut off marks for admission of students. In that context, the Apex Court made it clear that maximum cut off marks for OBC would be 10% below the cut off marks for general category candidate. Such issue is not arising here.
12. As seen from the final cut off marks, we are in agreement with the submissions advanced by the learned A.G.P. that even if the petitioner is allowed the relief prayed for in the Original Application and given an opportunity to participate in the P.S.T./P.E.T. and awarded full marks in that stage, the petitioner's total marks would still fall way below of final cut off marks for selection in his category.

13. We, therefore, find no reason to interfere with the order dated 01.10.2024 passed by the S.A.T. in O.A. No. 448 of 2024.
14. The Writ Petition being **W.P.S.T. No. 31 of 2025** is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)