

18.03.2025
Court No. 18
Item No. 05
(**Suvendu**)

WPA 4491 of 2025

Amartya Kumar Pramanik
-Versus-
The State of West Bengal & Ors.

Mr. Prabir Kumar Bhowmick
Mr. Anirban Saha
.....for the petitioner

Mr. Jahar Datta
Mr. Bipin Ghosh
.....for the State

Mr. Raja Saha
Ms. B. Roy
.....for the respondent no. 7

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.....for the WBCSSC

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

Petitioner participated in 1st State Level
Selection Test (Assistant Teacher), 2016 (Upper
Primary Level) for being appointed as Assistant
Teacher in Work Education. Petitioner made
applications under Right to Information Act on
30th January, 2023 and 8th April, 2023 seeking
certain information relating to his participation
in the aforesaid selection process and in

response thereto Assistant Secretary and SPIO, West Bengal Central School Service Commission vide memo dated 10th January, 2024 informed the petitioner that he was awarded 71 marks whereas last candidate who was called for Personality Test obtained 82. After such information was disseminated petitioner asked for true copy of OMR sheet which was declined by the Deputy Secretary and SPIO, West Bengal Central School Service Commission vide memo dated 27th February, 2024 since same was destroyed.

It is submitted on behalf of the West Bengal Central School Service Commission that petitioner has approached this Court with this writ petition in 2025 whereas the panel was published on 12th December, 2018 and same expired on 11th December, 2019. According to the Commission, as per the relevant Rules beyond the period of one year from the date of publication of panel OMR sheets are not retained with the office of the Commission and same are destroyed.

Having considered the relevant materials available on record and taking note of the submissions made on behalf of the respective

parties, it appears that petitioner did not come within the zone of consideration since petitioner obtained 71 marks in the selection test whereas the last candidate under the category of the petitioner who was called for Personality Test obtained 82.

Question remains at this stage whether mandamus can be issued upon the Commission to supply true copy of OMR sheet or not.

If petitioner would have approached this Court within the life time of the panel his prayer could have been considered since it is contended specifically on behalf of the Commission that Commission is required to retain OMR sheets of the respective candidates for a period of one year from the date of publication of panel.

Indisputably panel was published on 12th December, 2018 and same expired on 11th December, 2019 whereas present writ petition has been instituted on 24th February, 2025. Therefore, at this stage no direction can be given upon the Commission to produce OMR sheet.

In addition thereto, it is trite law that right of a candidate to question the validity of a selection process remains till the date of expiry

of the panel and after expiry of panel such right gets extinguished.

In this regard reliance is placed on the judgments of the Hon'ble Supreme Court, one reported in **(1996) 9 SCC 309 (State of Uttar Pradesh & Ors. Vs. Harish Chandra & Ors.)** and another reported in **(2009) 2 SCC 706 (Girdhar Kumar Dadhich & Anr. Vs. State of Rajasthan & Ors.)**.

In view of aforesaid scenario, no relief can be granted to the petitioner and the writ petition stands dismissed.

There shall be, however, no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)