

04.09.2025.
12
Ct.No.7.
as

WPA 3751 of 2020

Apurba Kumar Naskar
Vs.
The Chairman, Railway Recruitment
Cell Eastern Railway & Ors.

Mr. Sudip Sarkar,
Ms. Paramita Mondal,
Mr. Suman Halder.
...for the Petitioner.

Mr. Nilanjan Bhattacharjee, Ld. Sr. Adv.,
Mr. Pradyut Saha.
....for the Respondents.

1. The present writ petition has been preferred primarily for the following reliefs;

“A writ in the nature of Mandamus do issue commanding the respondent to provide the requisite information as per sought for;”

2. Mr. Sarkar, learned Advocate representing the petitioner, submits that the petitioner participated in a selection process conducted by the railway authority in 2006 for filling the post of Group ‘D’. The petitioner was confident of securing a place in the panel but was disappointed to find that he had been awarded a lower score than the last empaneled candidate.

3. Thereafter, he submitted an application under Section 6 of the Right to Information Act, 2005 (hereinafter referred to as the 2005 Act), before the competent

authority, seeking disclosure of the marks obtained by him, inspection of his own answer scripts of the written examination, and the answer script of the last empanelled candidate.

4. While some information was provided, the petitioner was dissatisfied and preferred a first appeal. Subsequently, he also preferred a second appeal. However, both appeals were disposed of without addressing the issues raised by the petitioner before the appellate authorities. Faced with this situation, the petitioner has been constrained to prefer this writ petition.

5. Mr. Bhattacharjee, learned Advocate representing the respondent, submits that the information was furnished to the petitioner. However, the selection process was conducted back in 2006, and the petitioner has no legal right to obtain the answer scripts of other candidates. Furthermore, the Recruitment Rules do not contain any provision requiring the Railway Authority to hand over the answer scripts of any particular candidate.

6. Heard the learned Advocates appearing for the respective parties and perused the materials on record.

7. In response to my query, the petitioner was unable to produce any material to establish that the Recruitment Rules contain any provision obligating the railway authority and/or the Selection Committee to permit inspection of the answer scripts of the written examination by a candidate, or to hand over such answer scripts of the written or any other examination directly to the candidates.

8. It is well settled that a writ petition is maintainable only for enforcement of a statutory or legal right, or where a person alleges breach of a statutory duty on the part of the respondents. Therefore, there must be a judicially enforceable right accrued to the petitioner. The Court, by issuing an appropriate writ, can enforce the performance of any duty by public authorities, provided the person satisfies the Court that he has a legal right to insist on such performance.

9. In the present case, as noted earlier, the petitioner is unable to show, either from the Recruitment Rules or any other statute, circular, or notification, any mandate requiring the railway authority to hand over the answer scripts to a particular candidate who participated in the selection process. From the record, it is implicit that information regarding the marks secured by the petitioner as well as those secured by the last empaneled candidate was furnished to the petitioner.

10. Therefore, in the absence of any such provision or rule, I am of the view that it would not be appropriate to compel the railway authority to hand over the answer scripts to the petitioner.

11. In view thereof, I am of the view that no interference is warranted in this writ petition.

12. Accordingly, the writ petition is dismissed, however, without any order as to costs.

(Partha Sarathi Chatterjee, J.)

