

IN THE HIGH COURT AT CALCUTTA
Special Civil Jurisdiction
Appellate Side

Judgment (2)
Moumita
Daily List Item No. 9

Present :
The Hon'ble Justice Aniruddha Roy

WPA 5157 OF 2024
Sangita Pramanik (Das)

Vs.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Golam Mastafa Mr. Tarasankar Samanta Mr. Kazi Asif Iqbal Mr. Ashrafur Rahman
For the PSC	:	Ms. Piyali Sengupta Mr. Victor Chatterjee
For the State/Respondents	:	Mr. Vimal Kumar Shahi, Ld. AGP Mr. Vijay Agarwal
Heard on	:	18.08.2025
Judgment on	:	18.08.2025

Aniruddha Roy, J.:

1. On the prayer of Mr. Golam Mastafa, learned advocate appearing for the writ petitioner. Two exceptions in the form of affidavits, one against the report filed by respondent no. 4, the other against the report filed by respondent no. 2, filed in Court today are taken on record.
2. Pursuant to an invitation published in the newspaper for the selection process for ICDS Supervisor (female only), the petitioner participated in the selection process as an in-service candidate for selection by way of

promotion. The selection process was held in two phases, firstly, written examination and secondly, vive-voce amongst successful candidates in the written examination. The report on affidavit affirmed on behalf of respondent no. 2 contains **annexure R-2 at pages 9 to 33** thereto, is the merit list of the written examination. The merit list shows the petitioner was an unsuccessful candidate. She did not qualify the written examination. As the petitioner did not qualify the written examination, she was not called upon for vive-voce.

3. The petitioner applied under the Right to Information Act with regard to the information as to why she was unsuccessful and did not qualify the written examination.
4. The record of the proceeding does not contain any document to show the fate of the said application submitted by the petitioner under the Right to Information Act.
5. Learned counsel Ms. Piyali Sengupta, appearing for respondent no. 4 submits that she has no instruction with regard to the fate of the said RTI application submitted by the petitioner.
6. Referring to the policy dated **September 15, 2015 annexure p-11 at page 7** to the exception on affidavit filed against the report of the respondent no. 2, Mr. Golam Mastafa, learned counsel for the petitioner submits that the Union of India specifically made policy for reservation in the identical selection process. In support of such contention he has also relied upon another policy of the State dated **March 7, 2019 annexure p-12 at page 8**

to the said exception and submits that had this reservation being there in the selection process, the petitioner would have come within the consideration zone. In support, he has relied upon a decision of the Hon'ble Division Bench dated **January 24, 2025 In the matter of: State of West Bengal & Ors. Vs. Papiya Ghosal (Maity) & Ors. rendered inter alia, in MAT 493, 2024.**

7. Mr. Bimal Kumar Shahi, learned counsel for the state appearing for respondent no. 2 submits that the entire selection process has been made in conformity with the relevant rules and regulations and the policy of the State. Since, the petitioner has not qualified in the written examination, no right has been created in favour of the petitioner for being considered for the selection process any further.
8. Ms. Piyali Sengupta, learned counsel appearing for the respondent no. 4 referring to the document dated **February 27, 2018 annexure-A at page 6** to the report on affidavit filed on behalf of the respondent no. 4 submits that as per the requisition received by her client from the respondent no. 2, the selection process has been held. Respondent no. 4 is not the appointing authority.
9. After considering the rival contentions of the parties and upon perusal of the materials on record, it appears to this Court that, the petitioner is an unsuccessful candidate in the written examination. She did not qualify at the threshold. Therefore, the question of coming within the zone of consideration did not and could not arise.

10. The ratio of the judgment of the Hon'ble Division Bench ***In the matter of: Papiya Ghosal (Maity) & Ors. (supra)*** has no application in the facts and circumstances of this case, as in the instant case, the petitioner did not qualify in the written examination at the threshold. The question of considering the reservation part in the selection process would have arisen, had the petitioner qualified in the written examination and then, participated in the vive-voce, and then became disqualified. This is not such a case, in the facts and circumstances, in the instant writ petition.
11. The instant writ petition is therefore, devoid of any merit, as the petitioner has not qualified at the threshold level of the selection process.
12. In view of the forgoing reasons and discussions, the instant writ petition ***WPA 5157 of 2024*** stands ***dismissed***, without any order as to costs.

(Aniruddha Roy, J.)