

17.03.2025

Court No.23

DL-20

(pp)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 7801 of 2024

Mita Rani Mondal (Sahana)
versus
The State of West Bengal & Ors.

Mr. Samiran Mandal,
Mr. Abhinaba Dan

....for the petitioner.

Mr. Jahar Lal De,
Mr. Kaustav Bhattacharya

....for the State.

The petitioner has questioned the manner and procedure in which the selection process for recruitment of Anganwadi Karmee and Helper in Indpur Integrated Child Development Scheme (in short ICDS) Project, District – Bankura held pursuant to an advertisement dated 20th November, 2009. It is the case of the petitioner that the selection process initiated in 2009 has ultimately concluded in 2023 as the interview has been held subsequent to 27th September, 2023 and the merit list was published even thereafter.

The petitioner says that she had applied as a Scheduled Caste (in short, SC). However, she has been treated as a General candidate in Unreserved (in short, UR) category. The cut-off marks in case of SC candidate is much less than that obtained by the petitioner.

However, since the petitioner has been considered as a General caste candidate, the petitioner could not meet the cut-off marks for the General category, as a consequence whereof the petitioner got eliminated from the selection process. The petitioner has not produced any document to demonstrate that she had applied as a SC candidate save and except the statement made in the writ petition.

The State respondents have filed a report in the form of an affidavit wherein it has been categorically stated that the petitioner participated as a UR candidate. The State respondents have also relied upon an extract of a register wherein the name of the applicants in the subject selection process and their respective category has been noted down. The said document shows that the petitioner applied under UR category.

It is, therefor, a situation where oath is pledged against oath. Assuming without admitting that the petitioner's contention is correct having been made on oath, then also there is no scope of rejecting the statement made in the report which is also on oath denying the assertion made by the petitioner and supported by some documents.

The petitioner has not produced any other document on the basis whereof the veracity of the

statement made by the respondents could be discarded or at least diluted.

The State respondents have also produced the tabulation sheet wherefrom the marks obtained by the successful candidates and their respective category are available.

It is settled position in law that a document emanating from government record produced before the Court by way of an affidavit affirmed by a responsible officer has to be presumed to be correct when the contrary is not shown or the statements therein are rebutted with cogent documents.

In the aforesaid facts and circumstances, I do not find any merit in the writ petition particularly in view of the disputed questions of fact. The writ petition is accordingly dismissed.

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

(Arindam Mukherjee, J.)