

20th June, 2025
(D/L No.18)
Ct. No.4
(SKB)

W.P.S.T.105 of 2025

Dr. Biswajit Bhunia
Versus
State of West Bengal and others

Mr. Kamalesh Bhattacharya,
Mr. A. Pradhan,
Mr. T. K. Mahapatra
... for the petitioner.

Mr. Swapan Kumar Datta, Id. AGP,
Mr. Dipankar Das Gupta
... for the State.

Ms. Shraboni Sarkar,
Ms. Krishna Yadav
... for the Public Service Commission.

1. Heard the learned counsel for the petitioner and the learned counsel for the respondents.
2. An advertisement was issued bearing No.2 of 2021 for selection of Principals in the Government Teacher Training Colleges, West Bengal. Two were to be selected from the Unreserved (UR) category and one from the Scheduled Caste (SC) category.
3. The petitioner applied in response to the advertisement as an SC candidate. He did not emerge successful in the recruitment process. Upon emerging unsuccessful, he has obtained certain information under the Right to Information Act, 2005 (in short 'RTI Act'). Based on such information under the RTI Act, the marks

position, as a result of the recruitment process, is not in dispute to the effect that the last selected candidate in the SC category was having a grand total of 52.877 whereas the petitioner has secured 50.42 marks which is below the marks of the last selected SC category candidate.

4. The first submission advanced on behalf of the petitioner is that though the petitioner participated in the recruitment process as an SC category candidate and his candidature was considered as such, the State Administrative Tribunal (in short 'Tribunal') has considered the petitioner as an UR category candidate.
5. We called upon the learned counsel for the petitioner to show as to whether such case has made out in the writ petition.
6. The learned counsel for the petitioner could not point out that any such issue has been raised in the writ petition. We have also perused the record and find that the last selected candidate in the SC category has obtained 52.877 marks, which is apparent from the marks result of the candidates who appeared at the interview. In the table wherein the marks have been specified the grand total of the candidates having application no.9 has been shown as 52.877. The application no.9 is in respect of one Lakshmi Narayan Kaibarta

who is an SC category candidate, which is apparent from the schedule for interview for recruitment published by the authorities in course of recruitment process. Thus, there is no room for doubt or any scope for the petitioner to suggest that his merit has been considered with reference to an unreserved category candidate.

7. It is apparent from the records that the petitioner's merit is considered *inter se* with reference to an SC category candidate. The Tribunal, however, has mentioned the petitioner to be a candidate under the UR category, and has also mentioned 'that the applicant having application number 5 had received a total of 51.661 marks as per the marking system' which is not the actual fact.
8. Actually the petitioner is having Application No.10 and has obtained grand total marks 50.42.
9. Mentioning of the wrong application number and incorrect percentage of marks in the order of the Tribunal impugned ultimately does not alter the final conclusion and has no effect upon the fate of the petitioner as because the person who has been selected under the said category is an SC candidate and has obtained more marks than the petitioner, who also participated as an SC candidate.

10. The other submissions advanced by the petitioner's counsel are to the effect that the petitioner is a better candidate and the others selected were inferior. No submissions have been advanced alleging infirmity in the recruitment process. There is also no submission made within the settled parameters of the scope of judicial review in respect of a recruitment process.

11. The Tribunal having considered the merit of the last selected candidate with reference to the records has dismissed the O.A. No.771 of 2022 vide order dated 19.11.2024. We have also looked into the issue with reference to the marks obtained by the last candidate in the SC category who has secured higher marks than the petitioner. The petitioner was not within the zone of consideration having lesser marks than the last selected candidate.

12. We, thus, find no reason to interfere with the order passed by the Tribunal. The writ petition is, accordingly, dismissed.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)