

16.09.2025
Sl. No.12.
Mithun
Ct.No.-2.

WPA/13558/2025

**Rahul Das
Vs.
Union of India & Ors.**

Mr. Tirthankar Dey,
Ms. Deboleena Ghosh,
Ms. Ria Naskar

...for the petitioner.

Mr. Bipul Kumar Mondal,
Mr. Rameswar Sinha

...for Union of India.

Mr. Tirthankar Dey, learned advocate appears
for the writ petitioner.

Mr. Bipul Kumar Mondal, learned advocate with
Mr. Rameswar Sinha, learned advocate appears for the
Union of India.

The sole contention of the petitioner is that the
petitioner has participated in the selection process for
the recruitment process for constable under CISF and
BSF. The selection process was conducted by Staff
Selection Committee (SSC).

Referring to Annexure P-9 at Page 163 to the
writ petition, the petitioner submits that the petitioner
has obtained total marks **105.99473**. Learned
Counsel then refers to the recruitment guideline
published by SCC, Annexure P-8 at Page 83 to the writ

petition. Of which, learned Counsel has specifically referred to Page 143 to the writ petition and submits that the petitioner participated as a Scheduled Caste candidate for the area B where vacancy was for 299 seats and the **cut of marks** was fixed being **105.03746**. Learned Counsel for the petitioner then refers to the list of withheld candidates at Page 154 to the writ petition where the roll number of the petitioner being **4410061142 (M)** appears against **serial no.481**.

In the light of the above, the learned Counsel for the petitioner contends that since the total marks obtained by the petitioner is above the **cut of marks**, his candidature is required to be considered, as the candidatures of candidates obtaining lesser marks have already been considered.

In view of the above, the respondent no.4 upon issuing a prior hearing notice of at least **7 days** to the petitioner and after affording him an opportunity of hearing on the basis of the existing records shall consider the case of the petitioner by passing a reasoned order in accordance with law.

The entire exercise shall be carried out and completed by the respondent no.4 positively within a period of six weeks from the date of communication of

this order and the reasoned order shall be communicated to the petitioner within a further period of one week from the date of the said reasoned order to be passed.

If the reasoned order goes in favour of the petitioner and since the learned Counsel appearing for the Union of India has no instruction with regard to the life of the panel whether expired and the final merit list has been published, the appropriate authority shall take the consequential appropriate decision considering the prevailing circumstance with respect to the panel.

If it appears from record the panel has not yet expired and still is alive and the final merit list has not yet been published, then if the reasoned order goes in favour of the petitioner, all consequential steps shall be taken strictly in accordance with law. In the event, it appears that the panel is expired and the final merit list has already been published, then the said final merit list published, if any, shall not be disturbed and interfered with.

It is made clear that this order shall not create any right or equity in favour of the petitioner if the petitioner does not succeed to his claim in any manner strictly in accordance with law.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition **WPA 13558 of 2025** stands disposed of, without any order as to costs.

(Aniruddha Roy, J)