

10.12.2025
Sl No.A621
Ct. No.15
S.A.

WPA 18522 of 2024
Aparna Show & Anr.
-vs-
The State of West Bengal & Ors.

Mr. Rabilal Maitra
Mr. Rajitlal Maitra
...for the petitioners
Mr. Ashish Kumar Guha
Ms. Kalpita Paul
...for the State

This writ petition has been filed alleging arbitrariness and nepotism in the appointment of Anganwadi Helpers under the Kharuberia Gram Panchayat.

Mr. Rabilal Maitra, learned senior advocate appearing for the petitioners, submits that respondent nos. 6 and 7 manipulated the selection process and were deliberately awarded higher marks in interview in order to secure their appointment as Anganwadi Helpers.

Mr. Ashish Kumar Guha, learned advocate appearing for the State, has filed an affidavit on behalf of respondent no. 3, disclosing the relevant documents pertaining to the selection process. The score sheet appearing at page 12 of the said affidavit indicates that respondent no. 6 secured 83.1 marks and respondent no. 7 secured 83 marks, while the petitioner nos.1 and 2 obtained 81.6 and 82.9 marks respectively.

On the basis of the aforesaid marks, respondent nos. 6 and 7 were placed in the second and third positions in the selection panel.

The selection process consisted of two components: 10 marks allotted for the interview and 90 marks allotted for the written test.

Mr. Maitra specifically contends that in the written examination the petitioner nos.1 and 2 secured higher marks—78 and 77.5—while respondent nos. 6 and 7 secured 77.5 and 75 respectively. On this basis, he argues that the interview marks were awarded in a manipulative manner to ensure the appointment of respondent nos. 6 and 7.

However, I find no ground to interfere in the matter merely because respondent nos. 6 and 7 were awarded higher marks in the interview despite obtaining lower marks in the written test. Mere variation in performance between the written examination and the interview cannot, by itself, give rise to an inference of arbitrariness, mala fides, or manipulation. It is well settled that different components of a selection process are designed to assess distinct attributes of a candidate, and a comparatively lower performance in the written examination does not preclude a candidate from securing higher marks in the interview, which

evaluates personality traits, communication skills, suitability, and overall aptitude relevant to the post.

There is no rule of thumb that higher marks in the written examination must necessarily translate into higher marks in the interview.

Similarly, in **Ashok Kumar Yadav v. State of Haryana [(1985) 4 SCC 417]**, the Supreme Court held as follows:

“21.

....

That is why the Division Bench relied on the comparative figures of marks obtained in the written examination and at the viva voce test by the petitioners, the first 16 candidates who topped the list in the written examination and the first 16 candidates who topped the list on the basis of the combined marks obtained in the written examination and the viva voce test, and observed that these figures showed that there was reasonable likelihood of arbitrariness and bias having operated in the marking at the viva voce test. Now it is true that some of the petitioners did quite well in the written examination but fared badly in the viva voce test and in fact their performance at the viva voce test appeared to have deteriorated in comparison to their performance in the year 1977-78. Equally it is true that out of the first 16 candidates who topped the list in the written examination, 10 secured poor rating in the viva voce test and were knocked out of the reckoning while 2 also got low marks in the viva voce test but just managed to scrape through to come within the range of selection. It is also true that out of the first 16 candidates who topped the list on the basis of the combined marks obtained in the written examination and the viva voce test, 12

could come in the list only on account of high marks obtained by them at the viva voce test, though the marks obtained by them in the written examination were not of sufficiently high order. These figures relied upon by the Division Bench may create a suspicion in one's mind that some element of arbitrariness might have entered the assessment in the viva voce examination. But suspicion cannot take the place of proof and we cannot strike down the selections made on the ground that the evaluation of the merits of the candidates in the viva voce examination might be arbitrary. It is necessary to point out that the Court cannot sit in judgment over the marks awarded by interviewing bodies unless it is proved or obvious that the marking is plainly and indubitably arbitrary or affected by oblique motives. It is only if the assessment is patently arbitrary or the risk of arbitrariness is so high that a reasonable person would regard arbitrariness as inevitable, that the assessment of marks at the viva voce test may be regarded as suffering from the vice of arbitrariness."

Oral interviews necessarily involve an element of subjectivity, but that by itself does not vitiate the selection process unless it is demonstrated that such subjectivity was exercised arbitrarily, capriciously, or with mala fide intent. In the absence of cogent material showing that interview marks were awarded with oblique motives, judicial interference is unwarranted.

In the present case, the difference in interview marks does not, on its own, indicate any

perversity. The allegation of manipulation remains unsubstantiated, as no material has been placed before this Court to demonstrate that the interview process was conducted in violation of statutory rules or established norms, or that the selection committee acted with bias or favoritism.

It is well settled that a Court, while exercising judicial review under Article 226 of the Constitution, does not sit as an appellate authority over the decisions of expert selection committees. The scope of judicial review is confined to examining the legality of the decision-making process and not the correctness of the decision itself. The Court cannot assess how a particular candidate performed on the date of the interview, nor can it re-evaluate comparative merit.

In ***Dalpat Abasaheb Solunke v. B.S. Mahajan*** [(1990) 1 SCC 305], the Supreme Court categorically held that it is not the function of the Court to hear appeals over the decisions of selection committees and to scrutinize the relative merits of candidates.

Unless there is a clear case of violation of statutory provisions or mala fides, the assessment made by experts must be respected.

In the absence of any proven procedural irregularity, violation of rules, or demonstrable mala fide intention, the mere allegation that interview marks were used to tilt the selection in favour of

certain candidates cannot form the basis for judicial interference.

Mr. Maitra, however, further submits that one Ms. Manasi Mallik Panja, whose name does not appear in the selection list, has been appointed and is presently working as an Anganwadi Helper at the said Gram Panchayat. He seeks leave of this Court to file a supplementary affidavit and to implead Ms. Manasi Mallik Panja as a respondent in the writ petition.

I find no justification for entertaining such a prayer. The pleadings in the present writ petition relate exclusively to the selection of respondent nos. 6 and 7. If a person who is not a party to this proceeding has been illegally appointed, that constitutes a distinct cause of action. Permitting the petitioners to introduce the issue whether Manasi has been appointed even without being selected in this proceeding without any pleading would amount to a misjoinder of causes of action. Accordingly, the prayer made by Mr. Maitra for leave to file a supplementary affidavit is declined.

This order will not, however, preclude the petitioners from filing a fresh writ petition challenging the actions of the respondent authorities in relation to the appointment of Ms. Manasi Mallik Panja.

Accordingly, **WPA 18522 of 2024** is dismissed.

Urgent photostat certified copy of this order, if applied for, be supplied to the learned advocates for the parties on usual undertakings.

(Kausik Chanda, J.)