

24.11.2025
Item No.16
Court No.11
Avijit Mitra

MAT 1866 of 2024
with
IA No.CAN 1 of 2025
with
IA No.CAN 2 of 2025

Krishna Majee
- versus -
State of West Bengal & ors.
Mr. Sabyasachi Chatterjee,
Mr. Kiron Se.
Mr. Monalisha Sinha
...for the appellant
Mr. Gourav Das,
Mr. P.B. Mahato
...for the State
Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey
...for the WBCSSC

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 15th March, 2023 passed by the learned single Judge in the writ petition being WPA 18145 of 2007.

As we have invited the learned advocates to advance their arguments on merits, the delay in preferring the appeal is condoned and the application being IA No.CAN 1 of 2025 is disposed of.

Mr. Chatterjee, learned advocate appearing for the appellant submits that the learned single Judge glossed over the issue that candidates, who had secured lesser marks than the appellant in the written test and academics, were empanelled upon

granting higher marks in the personality test. In support of such contention, reliance has been placed upon a merit list, as annexed to the supplementary affidavit. Let the said supplementary affidavit, as filed, be kept on record.

He further argues that the authorities of the West Bengal Central School Service Commission (hereinafter referred to as the said Commission) have acted in derogation to the relevant rules and such issue, as urged, was also not considered by the learned single Judge. Such infirmities warrant interference in the present appeal.

Dr. Patra, learned advocate appearing for the Commission submits that a candidate is empanelled on the basis of the total marks obtained in the written test, in academics and in the personality test. An expert body conducted such examination and admittedly the appellant did not come within the zone of consideration since he secured lesser marks than the last wait listed candidate.

Mr. Das, learned advocate appearing for the State submits that no allegations have been levelled against the State authorities.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

The order impugned reveals that upon considering the relevant records, as produced on behalf of the Commission, the learned single Judge found that the appellant secured 52.83 marks, which is lower than the marks obtained by the last wait listed candidates being 53.66. We are unable to accept the contention of Mr. Chatterjee that all the candidates, who were empanelled, got lesser marks than the appellant in the written test and academics. No allegation of *mala fide* or arbitrariness has been established. The examination was conducted by an expert body and the writ Court cannot sit in appeal over such decision or interfere with such assessment as made by an expert body.

In the said conspectus, the learned single Judge refused to exercise discretion in favour of the appellant and we do not find any infirmity in the order impugned.

Accordingly, the appeal and the connected application being IA No.CAN 2 of 2025 are dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)