

Item No.- 39
18.02.2025
Rohan
Court No. 8

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 2166 OF 2024
with
I.A. No.: CAN 1 of 2024**

**Ratnadeep Paul
Versus
The State of West Bengal & Ors.**

**Mr. Shamik Chatterjee,
Mr. Souma Subhra Ray,
Mr. Sabyasachi Jana,
Mr. Aditya Bikram Mahata,
Ms. Neelam Kumari,
Ms. Monalisa Singha**

... for the appellant

**Mr. Kamalesh Bhattacharya,
Mr. Aninda Bhattacharya**

... for the respondent No. 5

1. A deadwood is sought to be resuscitated by approaching the Court and raising unsubstantiated points which invites not only the wastage of time but to invest time in dictating the judgment and order.
2. The appellant offered his candidature on the basis of an advertisement published in the widely circulated newspaper for the post of Assistant Teacher in Accountancy and also received the admit card indicating that the written test shall be held on 10.12.2023. After the result was published, the appellant did not find his name to have been figured for the purpose of an appointment, approached this Court raising a serious issue of nepotism, favouritism and adoption of unfair means at the behest of the recruiting authority. The writ petition was dismissed but considering the gravity of the allegations, we

directed the respondent No. 5, the School Authority, to submit a report in the form of an affidavit disclosing all the documents prepared for such recruitment process.

3. Pursuant to the same, the report was submitted and on the prayer of the appellant, leave was granted to take an exception thereto. Interestingly, the appellant has digressed from the core issue and sought to ignite the deadwood by submitting that though the date for written test was fixed on 10.12.2023 but infact, the document disclosed in the report would reveal that the written test was held on 15.10.2023 and signed by the Committee constituted for conducting the recruitment examination on a date prior to the date of the said written test. Such misleading statement raising a serious issue compelled us to invite the attention of the said respondent in pursuit of taking a serious note thereof.
4. The counsel for the respondent No. 5 submits that in reply to an affidavit taking exception, it is indicated that the date mentioned therein might be a typographical error but even if the said date is taken into consideration, there is no lapses, negligence nor an act of malice would be revealed therefrom. According to the respondent No. 5, the said sheet of paper relates to awarding the marks on an academic basis, obviously after taking into account, the application and the documents annexed thereto and does not include the marks to be obtained in the written test by the respective candidates. It is further submitted that since the advertisement was made to fill up the vacancies in various subjects, the schedule prepared for the said recruitment process would indicate that it would start from 15.10.2023 and for the post of Assistant Teacher in Accountancy, the date for written examination was fixed on 10.12.2023. There

is no difficulty in the Committee to award the marks on the academic basis as the applications were filed by the incumbent much prior thereto on the basis of the advertisement.

5. We had an occasion to peruse the tabular statement indicating the marks awarded on the basis of a percentage obtained in the Secondary, Higher Secondary, Graduation, Post-Graduation and B.Ed./equivalent degree obtained by each of the incumbent including the appellant. Subsequently, another tabular statement was prepared after the written examination indicating the marks obtained by each of the incumbents therein and subsequently, the final list was prepared by adding the marks obtained on academic qualification with the marks obtained in the written test in order to find out the position of the candidates for the purpose of recruitment. We do not find that the way the appellant projects his case before this Court, there is any smack of arbitrariness nor the action can be tainted with malice, nepotism, favouritism or of like nature.
6. Apart from the same, the candidate who participated in the examination should not be permitted to challenge the entire selection process, more particularly, when he was not found suitable for appointment to the post for which the recruitment process was initiated.
7. We, thus, do not find any infirmity and/or illegality in the judgment of the Trial Court.
8. The appeal being **MAT 2166 of 2024** is dismissed with cost of Rs. 25,000/- to be deposited with the Bar Association of High Court to be utilized for the benefit of the Members within three weeks from date.

9. Connected application being **CAN 1 of 2024** is also disposed of.
10. Urgent Photostat Certified copy of this order, if applied for, be given to the parties upon complying with all necessary formalities.

(HARISH TANDON, J)

(PARTHA SARATHI CHATTERJEE, J)