

W.P.S.T. 6 of 2026
Kamal Sarkar & Ors.
Vs.
Public Service Commission & Ors.

Mr. Shamim Ul Bari
...for the Petitioners
Mr. Jahar Lal De, Id. A.G.P.,
Mr. Koustav Bhattacharya
...for the State
Ms. Shraboni Sarkar,
Ms. Umme Habiba Khatun
...for the P.S.C.W.B.

1. Heard the learned advocate for the writ petitioners. The learned advocate for the State and Commission are present.
2. The writ petitioners were applicants before the West Bengal Administrative Tribunal ('Tribunal' for short) in one O.A. No. 630 of 2025, filed recently before the Tribunal. As of date the Tribunal is non-functional for want of any member since September, 2024. The petitioners, therefore, have invoked the writ jurisdiction in respect of the matter having filed an O.A. before the Tribunal.
3. We, thus, proceeded to consider the matter.
4. The petitioner participated in a recruitment process for clerkship which was initiated by an advertisement in the year 2019. The advertisement is bearing no. 5 of 2019 for the post of Lower Division Assistant or Lower Division Clerk and similar posts in the Secretariat,

Directorates, District Offices and similar posts in regional offices under the Government of West Bengal. The recruitment process comprised of Part-I, an objective examination and Part-II Typed written examination. Some elementary knowledge in computer operation and eligibility of typing on computer was to be adjudged by a third stage. The petitioners participated up to the third stage as they appeared in the computer test conducted for the purpose in the year 2022. There was an objection that the machines on which they were appearing were not performing optimally and therefore, their result of the computer test was vitiated. In this connection, they earlier filed an Original Application before the Tribunal bearing O.A. No. 413 of 2022. In terms of orders passed therein, they were allowed a second opportunity to appear for the computer test.

5. In the circumstances, they appeared for a computer test on 24.11.2024. Having made such averments in the Original Application, the petitioners have gone on to allege that the petitioners have been held disqualified, only since they were allowed a second opportunity to participate in the computer typing test under orders of the Tribunal.

6. Another limb of their submission before this Court advanced through the learned advocate is that there was a procedure prescribed for evaluation which has not been meticulously observed. The present petitioners have undertaken a self-assessment on the basis of the guidelines prescribed for evaluation of the computer test and as per their own assessment they should have been awarded much higher marks.
7. By making these two allegations they have invoked the Tribunal's jurisdiction seeking the relief of setting aside of the result whereby they have been held disqualified.
8. The learned advocate for the Commission has raised a preliminary objection that the writ petition is liable to be dismissed for suppression of a relevant and material fact, being filing of an earlier W.P.S.T. No. 59 of 2024 in relation to the same recruitment process by the same writ petitioner.
9. The learned advocate for the petitioners, however, submits that the said writ petition was filed for a different relief and therefore, non-mentioning of the same in the present writ petition will not stand in the way of this Court exercising its equitable jurisdiction in favour of the writ petitioners/applicants.

10. We have considered the rival submissions and gone through the averments in the Original Application as well as in the writ petition.

Paragraph 9 of the writ petition states :-

“9. That the petitioners have not moved any other application on the selfsame cause of action before this Hon’ble Court or any other Court of law.”

11. The learned advocate for the petitioners submits that the assertion made in paragraph 9 is correct, since the earlier writ petition was filed for allowing them to have a second opportunity to appear in the computer test; and that issue stands settled by the order of the Tribunal in O.A. No. 413 of 2022.
12. Considering the said submission, we are not inclined to hold that the writ petition suffers from suppression of a relevant and material fact.
13. Having observed so, however, we find that the application discloses that the applicants who are petitioners before this Court based on a self-serving assessment are raising a doubt and apprehension regarding the correctness of their assessment made by the respondent Commission in a recruitment process wherein a large number of candidates participated.
14. There is no allegation of any discrimination or proved *mala fide* and the only grounds stated in paragraph s) & t) are as follows :-

“s)The applicants herein have meticulously observed those criteria and following the same they have assessed their answer sheet of type writing and found that they all have scored much more than 140+ score which was the qualifying marks, but most unfortunately without assigning any prudent reason the Commission have eliminated the applicants herein from the zone of consideration, as such the impugned decision of the Public Service Commission is not sustainable in law.

t) It is the apprehension of the applicants that either the answer sheet of type writing test of the applicants has not been assessed at all and eliminated them without considering their merit since they participated in the type test pursuant to the order of the competent Court of law after the publication of the panel or there are illegality/irregularity on the part of the Commission which require immediate intervention of the Hon’ble Tribunal for the interest of justice.”

15. It is trite law that Courts cannot sit as an appellate authority over decision of the Recruitment Body. The Courts have consistently refrained from interfering in a selection process of public employment recognizing the importance of maintaining the autonomy and integrity of selection process. The law in this regard is stated by the Apex Court in the case of **Tajvir Singh Sodhi and Others vs. State of Jammu and Kashmir and Others** reported in **(2023) 17 SCC 147**. The consistent view of the Apex Court has been to refrain from such scrutiny of assessment/ grant of marks by a specialized recruiting body, since the Court lacks such expertise. The limits of

judicial review in this regard, however, are subject to well recognized exceptions such as in a case of illegality, or patent material irregularity in constitution of the selection body or the procedural prescription governing the recruitment process. The Courts have also interfered where there are proved allegations of mala fide or when there is a violation of Article 14 and 16 of the Constitution of India in the recruitment/assessment process. In this context the Apex court held in the case of **Tajvir Singh Sodhi** (*supra*) that Courts while exercising power of judicial review cannot step in the shoes of the selection committee or assume an appellate role to examine whether the marks awarded by the selection committee are excessive and not corresponding to their performance in the test. The Apex Court held that such assessment should be best left to the members of the Committee.

16. As noted above from the application filed by the applicants/writ petitioners, the case of the petitioners does not fall within the narrow scope for exercising jurisdiction under Article 226 of Constitution of India in respect of such matter.
17. We find that no case is made out by the writ petitioners/applicants.
18. The Writ Petition is dismissed.

19. In view of dismissal of the writ petition, pendency of the Original Application bearing O.A. No. 630 of 2025 would serve no useful purpose and pendency of the same would be a futility.
20. The O.A. No. 630 of 2025 also stands dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)