

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 484 OF 2026

CHANDAN DHARA & OTHERS

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners

:Mr. Anindya Lahiri, Sr. Adv.
Mr. Samrat Dey Paul, Adv.
Mr. Biplab Pal, Adv.

For the State

:Mr. Amal Kumar Sen, Ld. AAG
Mr. Lal Mohan Basu, Adv.

Hearing concluded on

: 03.02.2026

Judgment on

: 03.02.2026

SAUGATA BHATTACHARYYA, J.:

1) In terms of order dated 22nd January, 2026 matter is heard at length in presence of learned advocates representing the petitioners and State respondents.

2) Pursuant to the recruitment notification dated 5th March, 2024 for recruitment in the post of Constable in West Bengal Police written test was conducted following the provisions of West Bengal Police

(Recruitment of Constables) Rules, 2024 and based on written test 60,178 number of candidates were short-listed by the concerned recruitment authority for conducting Physical Measurement Test (for short, “PMT”), Physical Efficiency Test (for short, “PET”) and *viva voce*. List containing short-listed candidates based on written test is bereft of necessary particulars, i.e. marks obtained by the respective candidates in written examination and categories of the candidates.

3) Question arises for consideration is whether publication of aforesaid list without indicating marks obtained by the respective candidates in written examination and the categories of the candidates is permissible or not.

4) Petitioners participated in the written test being part of selection procedure in terms of aforesaid recruitment notification of 2024 under the category of Home Guard. Petitioners belong to different categories such as Unreserved (UR), Scheduled Caste (SC), Other Backward Class -A (OBC –A) and Other Backward Class –B (OBC- B).

5) It is contended by Mr. Lahiri, learned Senior Advocate representing the petitioners that though list was published by the recruitment authority containing names of candidates who are to participate in PMT and PET and lastly in *viva voce* if they are found eligible but said list does not contain marks allotted to the candidates in respect of written test and respective categories of those candidates. According to the petitioners, disclosure of these particulars would maintain transparency in the selection process.

6) On behalf of the petitioners reliance is placed on the judgment of the Hon'ble Supreme Court reported in **2025 SCC OnLine SC 719, State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) and Others.**

7) Mr. Amal Kumar Sen, learned Additional Advocate General has opposed this writ petition and has made submission that disclosure of marks of written test at the time of publication of list of candidates who were going to participate in *viva voce* may not be necessary. In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **(2022) 19 SCC 787, Harkirat Singh Ghuman Vs. Punjab and Haryana High Court and Others.** According to the respondent authorities, disclosure of marks of written test prior to conducting *viva voce* would impact level playing field and equal opportunity to the candidates who would participate in *viva voce*.

8) Submission of learned Additional Advocate General chiefly based on ratio of **Harkirat Singh Ghuman** (supra). On perusal of the judgment of **Harkirat Singh Ghuman** (supra) it appears that appellant was an aspirant for the post of Judicial Officer in Punjab/ Haryana Superior Judicial Service and participated in the recruitment process. Appellant after being disqualified in the written examination by filing writ petition before the High Court of Punjab and Haryana ventilated grievance that there is no condition to secure minimum marks in main written examination and condition in the advertisement of securing minimum marks in each paper for

qualifying in *viva voce* is contrary to the scheme of the rules. Grievance was also ventilated relating to handing over of question paper in phased manner and prayer was made to provide marks allotted to the appellant in written examination.

9) While taking note of the case made out in **Harkirat Singh Ghuman** (supra), Hon'ble Supreme Court in paragraph 32 held that where the written examination is followed with *viva voce*, declaration of result of the written examination before conducting *viva voce* may not be valid and justified but in cases where determination of merit is based on written examination, it must be declared and made available to candidates without any loss of time and it was further held that in cases where the written examination is followed with interview/ *viva voce* and the members in the interview board are made aware of the marks secured by the candidates in the written examination they may likely to form bias affecting impartial evaluation of the candidates in *viva voce*. It is strenuously argued on behalf of the respondent authorities that disclosure of marks at the time of publication of list for the purpose of participation in PMT and PET would impinge upon the selection procedure and that will have an adverse effect so far short-listed candidates are concerned in *viva voce*.

10) Court is not *ad idem* with the submission made on behalf of the State respondents taking note of the observations made by the Hon'ble Supreme Court in **Harkirat Singh Ghuman** (supra). In **Harkirat Singh Ghuman** (supra) there was no other phase of

selection process in between written examination and *viva voce* but in the present case at my hand in between written test and *viva voce* there are two other phases namely PMT and PET. PMT and PET will be conducted based on list published by the recruitment authority containing names of 60,178 number of candidates. If candidates do not find place in the list prior to PMT and PET and if they do not come within the zone of consideration based on merit which is assessed on the basis of written test they will not be permitted to appear in PMT and PET. Therefore, it emanates that written examination is the basis for participation in PMT and PET.

11) If court accepts contention of learned Additional Advocate General that list with all particulars shall be published after *viva voce* in that event *bona fide* candidates may lose opportunity to participate in PMT and PET which will be over by that time.

12) In view of aforesaid discussion, ratio of **Harkirat Singh Ghuman** (supra) does not come in aid of recruitment authority as method of selection process is different as it is contemplated under the West Bengal Police (Recruitment of Constables) Rules, 2024.

13) In aforesaid conspectus and in order to maintain transparency in the selection process for the post of Constable in West Bengal Police which is being conducted pursuant to recruitment notification dated 5th March, 2024, concerned respondent authorities are directed to publish list of selected candidates for holding PMT and PET disclosing marks awarded to those candidates in written examination and their respective categories as delineated in

recruitment notification dated 6th March, 2024 which is at page 38 of the writ petition. Concerned respondent authorities are directed to publish list in terms of aforesaid direction by seven days from date.

14) With the aforesaid direction, writ petition stands disposed of.

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

16) Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)