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(DISMISSED)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 2224 of 2025

**MD. ABDUR ROUF
Vs.
THE STATE OF WEST BENGAL & ORS.**

Mr. Dinesh Pani, Advocate
Ms. Sulagna Sen, Advocate

.....for the Petitioners

Mr. Sirsanya Bandopadhyay, Id. Sr.S.C
Ms. Tapati Samanta, Advocate

.....for the State

1. The petitioner had applied for the post of District Librarian under the local Library Authority, Purba Burdwan. The advertisement was made on 31.05.2023. There are three rounds of qualification for ultimate selection. The first round is a written examination, the second is an examination for computer to check the basic knowledge of the aspirant and the third is the interview process.
2. The petitioner had succeeded in the first round and had appeared for the second round, in which he had procured 2 marks and been called for the third round, which is the interview. However, after the interview round, the petitioner was unsuccessful and has filed this writ-petition thereafter challenging the interview process as well as the fact that he was not recommended in the first or the second merit list published by the authorities.
3. The petitioner had made an application under Section 6 of the Right to Information Act, 2005, on the basis whereof, on 21.02.2025, the petitioner was informed that his score in the Computer Test Examination (second round) was 2 out of 10. Thus, the petitioner was not recommended either in the first or the second merit list.

4. Mr. Pani, learned Advocate appearing for the petitioner, submits that since the petitioner was called for the interview round, it can be assumed that the petitioner had qualified in the second round. Thus, there is no justifiable reason as to why the petitioner should not be recommended in the first or the second merit list.
5. Mr. Bandopadhyay, learned senior Standing Counsel, appearing for the respondent authorities, submits that pursuant to the process being undertaken, the advertisement was issued on 31.05.2023 and prior thereto was forwarded to all the concerned authorities on 02.05.2023, the cut-off for the second round had been fixed on the basis of the West Bengal Board of Secondary Education pass mark which is 25 out of 100, thereby making the qualifying marks in the second round 2.5 out of 10, being 25% thereof. This was prevalent as on the date of publication of the advertisement and had been duly forwarded to all the concerned authorities under the heading of 'Frequently Asked Questions' (FAQ). He further submits that no vested right can be created in favour of any candidate merely because he has been called for interview, for appointment.
6. He has also relied upon three decisions, two of this Hon'ble Court rendered in **MAT 2347 of 2023** (*Nabanita Jana Vs. The State of West Bengal & Ors.*), **MAT 1886 of 2025** (*Animesh Bandyopadhyay Vs. State of West Bengal & Ors.*) and the other one is of the Hon'ble Supreme Court of India reported in **1993 Supp (2) SCC 600** (*Jai Singh Dalal & Ors. Vs. State of Haryana & Anr.*).
7. From the decisions of Nabanita Jana and Animesh Bandopadhyay (supra), it has been clearly held that in these matters the Selection Committee would have the discretion to evolve a criteria of computer knowledge. This is a Panel/committee of experts and having

deliberated and decided on an issue pertaining to the cut-off marks, prior to the advertisement, it would not be proper for the Courts to interfere.

8. In this case as well, the advertisement was made on 31.05.2023. The issue regarding the cut-off marks had already been decided by the expert committee and the question of scaling down the eligibility criteria fixed by the expert committee/panel, merely because the petitioner had been called for the third round and was not recommended thereafter, cannot be a ground to disrupt the entire process.
9. The petitioner's argument that he had been called for the third round, which necessarily implies that he had obtained the cut-off mark, is not justified. This was a mistake as submitted by Mr. Bandopadhyay by the authorities in calling the petitioner for the third round. The petitioner had admittedly obtained 2 marks out of 10 in the second round (computer knowledge) and hence was not qualified to be called for the third round.
10. The petitioner's only other grievance is that in a report filed in WPA 25893 of 2023 by the authorities, in paragraph 6, a specific stand was taken that the cut-off marks was 2 out of 10, which cannot presently be increased to 2.5.
11. The wrong assertion made by the District Library Officer in one writ-petition cannot nullify the standards fixed by the State and cannot also be a ground to disrupt the entire process to facilitate the petitioner's case.
12. It is not the petitioner's allegation that any person, who has obtained marks less than him, has been recommended nor that any person who has obtained marks below the cut-off marks in the second round, has been recommended or that such person's name figured in the merit list.

13. The decision of the Hon'ble Supreme Court of India relied upon by Mr. Bandopadhyay, is also clear inasmuch as it clearly holds that if the State has committed a mistake, it cannot be held that the State has no power to rectify or correct the same.
14. In this present case, the cut-off for the second round 2.5 out of 10 was already in place prior to the advertisement of 31.05.2023, on 02.05.2023 and the same was made known to all the authorities concerned. The case made out by the petitioner that he is entitled to be recommended in the merit list/panel is without justification and if permitted the same will give rise to a situation where every person, who has not qualified, would seek a right or a vested right merely on the basis of a mistake. It is clear that the authorities have acted within the parameters set forth by itself in the advertisement and the cut-off marks fixed and any interpretation *de hors* the same is not acceptable.
15. On such consideration, I do not find any reason to entertain the instant writ-petition.
16. **WPA 2224 of 2025** is accordingly **dismissed** without any order as to costs.

(Reetobroto Kumar Mitra, J.)

