

26th February, 2026
(D/L No.15)
Ct. No.4
(SKB)

W.P.S.T.163 of 2024

Puspendu Sardar
Versus
The State of West Bengal and others

Mr. Durga Prasad Dutta,
Mr. Souvik Sen
....for the petitioner.

Mr. Tapan Kumar Mukherjee, Id. AGP,
Mr. Somnath Naskar
... for the State.

Ms. Piyali Sengupta,
Mr. Victor Chatterjee
... for the Commission.

1. Heard the learned advocate for the writ petitioner as well as the learned advocates representing the Public Service Commission and the State.
2. The petitioner participated in a process for recruitment of Lecturer in Chemical Engineering in Government Polytechnics in the West Bengal General Service under the Department of Technical Education, Training and Skill Development. The advertisement was published by the Public Service Commission (in short 'Commission') in the year 2018 bearing Advertisement No.24 of 2018.

3. The petitioner having participated in the recruitment process was aggrieved by a fact that individual SMS was not sent to him intimating the date of interview and venue, though the same had been sent to all other candidates. The petitioner approached the West Bengal Administrative Tribunal (in short 'Tribunal') by filing O.A. No.292 of 2020.
4. Before the Tribunal, the Commission took a stand in this regard that the Commission had uploaded the schedule of interview along with the names of all candidates. The intimation by SMS was an additional intimation. The Tribunal was, however, of the view that the petitioner was the only person not sent the SMS alert. The Tribunal proceeded to direct the Commission to hold petitioner's interview afresh.
5. Fresh interview was thus scheduled, specially for the petitioner. He appeared at the interview held on 16.09.2022. Thereafter, intimation was given to the petitioner on 21.10.2022 that he was not recommended for appointment, nor did he find place in reserve list. The communication was sent based on his performance in the interview.

6. The petitioner again moved before the Tribunal by filing O.A.752 of 2022 seeking the relief of quashing of the intimation dated 21.10.2022 regarding his performance in the interview. Petitioner, once again sought a direction from the Tribunal for conducting yet another interview.
7. The original application was numbered as O.A.752 of 2022. Before the Tribunal, reply was filed by the Commission stating in specific terms that the petitioner being an S.C. candidate had scored 40 marks in the special interview conducted in compliance of the Tribunal's order, whereas the last selected candidate in his category scored 51 marks. Therefore, the petitioner was 11 marks below the cut-off marks in his category.
8. The petitioner filed a rejoinder to the reply wherein he has reiterated the averments made in the original application. There is no specific denial of such assertion regarding his score in the special interview. There is also no allegation of *mala fide* against anyone of the Interview Board, nor there is any allegation of a procedural lapse. Therefore, the Tribunal was rightly of the view that there was no scope now,

for giving a second opportunity to the petitioner for facing yet another interview. It is this order of the Tribunal dated 02.07.2024 passed in O.A. No. 752 of 2022 which is the subject matter of the present writ proceeding.

9. There is no factual foundation in the averments made in the rejoinder doubting or denying the Commission's specific assertion in their reply filed before the Tribunal that petitioner scored 40 marks at the special interview, whereas the cut off in this category (SC) was 51. There is also no *mala fide* made out against any person in the interview board. The writ petitioner also did not allege any other procedural laps. We therefore, do not find any occasion for the Tribunal to again direct that the petitioner be allowed to face yet another special interview. The order of the Tribunal dated 02.07.2024 passed in O.A. No.752 of 2024, refusing to entertain the petitioner's plea, therefore in our opinion does not require any interference in exercise of judicial review under Article 226 of the Constitution of India. The writ petition is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)