

20.01.2026
Item No.21
Court. No. 11
Avijit Mitra

**MAT 1886 of 2025
with
IA No.CAN 1 of 2025**

**Animesh Bandyopadhyay
- Versus -
State of West Bengal & ors.**

Mr. Asim Kumar Niyogi,
Mr. Vaskar Pal
....for the appellant
Mr. Swapan Kumar Datta, Ld. G.P.,
Mr. Rajat Dutta
....for the State respondents
Mr. Sirsanya Bandopadhyay,
Sr. Standing Counsel
Ms. Tapati Samanta
....for the respondent no.4

1. The present appeal has been preferred challenging an order dated 21st August, 2025 passed in a writ petition being WPA No.18710 of 2025. The said writ petition was preferred, *inter alia*, praying for issuance of necessary direction upon the respondents to forthwith give employment to the appellant, namely, Animesh Bandopadhyay (in short, Animesh) '*under Exempted Land looser category as the 8 (eight) post of the declared (nine) posts are vacant under UREC*'. By the impugned order, the writ petition was rejected primarily on the ground that having participated being aware of the eligibility criteria of the said selection test, Animesh

could not have questioned the selection process after being unsuccessful.

2. Shorn of unnecessary details the facts are that a recruitment notice was issued *vide* memo dated 29th May, 2023 inviting *online* applications through the district website of South 24 Parganas from the eligible candidates for filling up 52 posts of Librarian of Government Sponsored Rural Libraries under the control of Local Library Authority, South 24 Parganas by direct recruitment. In the said memo it was also indicated that the selection procedure would be '*as per Notification No.366/MEE/Sectt. Dated -15-03-2023 of the Department of Mass Education Extension & Library Services*'. Subsequent to issuance of the said memo dated 15th March, 2023 pertaining to the selection procedure, a memo dated 2nd May, 2023 was issued by the respondent no.6 detailing the Frequently Asked Questions (in short, FAQs) regarding recruitment of Librarians of Government Sponsored Rural Libraries followed by a further memo issued by the same respondent dated 29th February, 2024. Animesh participated in the academic and professional examination and emerged to be successful and was, thereafter, called for computer test but subsequent thereto, he was not called for in the interview. Accordingly, Animesh submitted applications under the Right to

Information Act, 2005 seeking information, *inter alia*, as regards the number of candidates who participated in the computer test under UREC quota and the number of successful candidates. From the reply, Animesh came to learn that he was granted one mark in the computer test and a cut off mark was fixed for the said test. As Animesh was ousted from the zone of appointment, he was constrained to prefer the writ petition.

3. Mr. Niyogi, learned advocate appearing for Animesh argues that Animesh was illegally denied participation in the interview. Elaborating such argument, he submits that in the recruitment notice dated 29th May, 2023, it was stated that the selection procedure would be as per memo dated 15th March, 2023. In the said notification dated 15th March, 2023, there was no stipulation of any cut off mark pertaining to computer knowledge. Such restriction was imposed by a subsequent memo dated 2nd May, 2023 issued by the respondent no.6 and accordingly, the rules of the game *qua* the procedure for selection was altered in the midst of the game.

4. He contends that the selection procedure as specified in the memo dated 15th March, 2023 issued by the order of the Hon'ble Governor could not have been altered by the memo dated 2nd May, 2023

issued by the respondent no.6. The said memo dated 2nd May, 2023 has no force of law and also suffers from a jurisdictional error. In support of such contention, reliance has been placed upon a judgment delivered by the Hon'ble Supreme Court in the case of *Tej Prakash Pathak & ors. Vs. Rajasthan High Court & ors.*, reported in (2025) 2 SCC 1.

5. *Per contra*, Mr. Bandopadhyay, learned Senior Standing Counsel appearing for the respondent no.4 submits that an identical issue has already been decided by a judgment dated 1st December, 2023 delivered by a coordinate Bench of this Court in the case of *Nabanita Jana Vs. State of West Bengal & ors.* On merits, he submits that in the memo dated 15th March, 2023, there was a specific clause being clause 6(b) which provided that '*the Selection Committee may apply the short listing criteria as per the process defined in Para 7 below and invite candidates in the ration of 1: 7 for computer test and 1: 5 for interview*'. Para 7 in the said notification was as regards '*preparation of panel*'. From the said clause 6(b), it is evident that an assessment was required as regards the candidates' competence in computer knowledge and such assessment could not have been made without fixing a cut off mark.

6. He argues that the memo dated 2nd May, 2023 issued by the respondent no.6 answered FAQs

clarifying the procedure to be followed. Clause 4.4 of the said memo provided, *inter alia*, that ‘for Computer Test: Basic Computer knowledge is essential Qualification as per Recruitment Rule. The Pass marks of the Board Exams which is the Qualifying Academic Standard may be considered as the cut off marks for the computer exams’. A composite reading of the recruitment notice dated 29th May, 2023, the memoranda dated 15th March, 2023 and 2nd May, 2023 would reveal that no provision of the selection procedure contained in the memo dated 15th March, 2023 was supplanted by the memo dated 2nd May, 2023. Both the said memoranda were issued prior to the recruitment notice dated 29th May, 2023 and that as such no interference was called for and the learned single Judge has rightly refused to exercise discretion in favour of Animesh. The memo dated 2nd May, 2023 was also not challenged in the writ petition. There were nine vacancies and three participants including Animesh. Six vacancies were converted as unreserved category vacancies and in the remaining three vacancies, ultimately only one was selected who secured 7.5 marks in computer test whereas Animesh secured only 1 mark in computer knowledge.

7. Mr. Datta, learned Government Pleader appearing for the State respondents denies and disputes the contention of Mr. Niyogi and submits that the writ petition had been rightly dismissed as the appellant approached the Court after participating in the recruitment process and after the results were not palatable to him. In support of such contention reliance has been placed upon a judgment delivered in the case of *Rekha Sharma Vs. The Rajasthan High Court, Jodhpur & anr.*, reported in 2024 INSC 615.

8. We have heard the learned advocates appearing for the respective parties and considered the materials on record.

9. Clause 6(b) of the memo dated 15th March, 2023 categorically provides a short-listing criterion specifying, *inter alia*, that a candidate would be invited in the ratio of 1:7 for computer and 1:5 for interview. The said memo further provides that computer knowledge would be essential for the post concerned and fixed 10 marks for the said knowledge. An assessment of the candidates' competence in computer knowledge was thus mandatorily required. In view thereof, it cannot be urged that by the memo dated 2nd May, 2023 any new condition had been incorporated or any rider contained in the memo dated 15th March, 2023 had

been altered. In the said conspectus, the argument of Mr. Neogi the rules of the game *qua* the procedure for selection were altered in the midst of the game is not acceptable. There is no dispute as regards the proposition of law as laid down in the judgment delivered in the case of *Tej Prakash Pathak (supra)* but the same is distinguishable since in the present case no participant had been arbitrarily denied selection and by prescription of cut off no discrimination had been practiced by the authorities in selecting the suitable candidate. No *mala fide* can be attributed to such action of the respondents and it cannot be said that the respondents have acted in a manner which would benefit a private party.

10. For the reasons discussed above, we are not inclined to interfere in the present appeal.

11. Accordingly, the appeal and the connected application are dismissed.

12. There shall, however, be no order as to costs.

13. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)

