

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 27327 of 2025

Md. Masidul Islam
-versus
The State of West Bengal & Ors.

Mr. Anindya Lahiri, Sr. Advocate
Mr. Sudipta Dasgupta
Mr. Baibhav Roy
... For the petitioner

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Ranjan Saha
... For the State

Ms. Shraboni Sarkar
Ms. Umme Habiba Khatun
... For the PSC, WB

1. The petitioner participated for recruitment in response to the advertisement published by the Public Service Commission, West Bengal, being Advertisement No.5/2020 in the post of Instructor in the Trade of Refrigeration and AC Mechanic at Government Industrial Training Institutes under administrative control of Directorate of Industrial Training under the Technical Education, Training and Skill Development Department, Government of West Bengal under the OBC-A category.

2. The advertisement specified that the Commission has decided to fix qualifying marks in the Personality Test and candidates unable to secure such qualifying marks would not be considered for the posts, irrespective of their academic qualification and/or marks obtained in the Preliminary Screening Test.

3. The qualifying marks in the OBC Category was fixed at 38 percent. The petitioner secured 30 percent. Accordingly, he was found to be ineligible for recruitment.

4. Learned advocate for the petitioner submits that the Commission further specified in the advertisement that the Commission may lower the qualifying marks in the event of non-availability of sufficient candidates for filling up the vacancies in a particular category.

5. It has been submitted that the Commission has enough power to reduce the qualifying marks since no other eligible candidate in the OBC Category has been found. The petitioner was the lone candidate directed to appear in the interview.

6. The petitioner has raised a further question as to whether the authority could have fixed 100 marks for interview without giving credence to the marks obtained by a candidate in the Preliminary Screening Test or on the academic qualification of a candidate.

7. The Assistant Secretary of the Public Service Commission, West Bengal has filed a report by way of an affidavit mentioning that as no eligible candidate in the OBC Category was found, the OBC Category post has been left vacant. The Commission has not taken any decision to lower the qualifying marks in the subject category.

8. Upon hearing the submissions made on behalf of both the parties and on perusal of the documents placed before this Court, it appears that the petitioner participated in the recruitment process relying on the advertisement which clearly disclosed the cut-off marks required to be obtained by a candidate for being considered eligible for recruitment.

9. Being an unsuccessful candidate, the petitioner cannot be permitted to challenge the allotment of marks for interview in the subject recruitment examination.

10. The authority has decided not to lower the marks of interview and has stuck to the qualifying marks as prescribed in the advertisement for recruitment. The recruiting authority is the best person to decide the cut off marks in a recruitment process and whether to lower the same in case of non-availability of an eligible candidate.

11. The recruiting authority has exercised its discretion not to lower the cut off marks. The Court does not find any error on the part of the authority.

12. The writ petition fails and is hereby dismissed.

13. As the issue of maintainability of the writ petition raised by the respondents has been conclusively decided by the Court upon hearing both the parties and a judgment was passed on 13th

January, 2026, accordingly, dismissal of the writ petition on merit will not touch the issue of maintainability already decided by the Court.

14. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)