

(2018) 05 CAL CK 0181
In the Calcutta High Court
Case No : W.P.S.T. 167 of 2017

Bidyut Dandapat	Vs	APPELLANT
State Of West Bengal & Ors.		RESPONDENT

Date of Decision : 14-05-2018

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2018) 05 CAL CK 0181

Hon'ble Judges : DEBASISH KAR GUPTA, J; SHAMPA SARKAR, J

Bench : Division Bench

Advocate : Amit Prokash Lahiri, Joytosh Mazumder, Pinaki Dhole, Avishek Prasad

Final Decision : Dismissed

Judgement

This is an application filed under Article 226 of the Constitution of India assailing a final order dated July 31, 2015 passed by the West Bengal

Administrative Tribunal. While dismissing the original application, the learned Tribunal observed that a writ application in the matter of Smt. Barnali

Mondal Vs. State of West Bengal & Ors. (In re: W.P.S.T. 161 of 2015) was dismissed by a Division Bench of this Court by an order dated June 24,

2015. According to Mr. Lahiri, learned Advocate appearing on behalf of the petitioner, the fact involved in the case in hand is distinguishable.

According to him, an application under the Right to Information Act, 2005 was filed before the authority for ascertaining alleged error which had been

taken place in the application of the petitioner for participation in the selection process for appointment in the post of "Excise Constable". No

answer was given to that application. According to Mr. Lahiri, it creates doubt in mind of the petitioner with regard to the error in filling up the

application form by the petitioner. According to him, the candidature of the

petitioner was cancelled even after he had passed the written examination as also efficiency test.

Having heard the learned Counsel appearing for the respective parties as also after considering the fact and circumstances of this case, we find that

the earlier writ application bearing no. W.P.S.T.161 of 2015 was dismissed taking into consideration the fact of the wrong disclosure of the date of

birth of the petitioner in her application for participation in the selection process for appointment in the post of Constable. The observations

made by a Division Bench of this Court in the above case is quoted below :-

"This explanation submitted by the learned Counsel for the petitioner is not tenable. The petitioner is not an illiterate women. The basic

qualifications required for recruitment as a Constable are Madhyamick pass. Obviously, therefore, she should have verified the contents of the

application form, which was filled in allegedly by some other person before signing the same. It is not a mere technicality for which she has been

disqualified as submitted by the learned Counsel for the petitioner but because she supplied incorrect information. Several such candidates have been

disqualified for supplying the wrong date of birth. The petition is dismissed."

From the statements made in paragraph 4(X) of this writ application, we find that the candidature of the petitioner in this case was also cancelled on

the same ground. It was within the knowledge of the petitioner. The above statement is quoted below :-

"That the result of interview for recruitment to the post of Excise Constable/Lady Excise Constable in West Bengal in the Website was published

pertaining to the Roll Number in the written test and on searching the Roll No.2401367 the applicant came to know that he has not been qualified for

the post of Excise Constable/Lady Excise Constable as the date of birth filled up by him wrongly."

In view of the aforesaid admitted facts and circumstances, we find that the petitioner stands in the same footing to that of the petitioner in W.P.S.T.

161 of 2015. We find no reason to disagree with the order passed in the aforesaid writ application that the basic qualifications required for recruitment

as a Constable is Madhyamick pass. Therefore, a candidate should have verified the contents of the application form. It was not a mere

technicality for which the petitioner has been disqualified.

Let it be put on record that on production of his application form, we find that the mistake was committed by him in filling up of his application so far as his date of birth was concerned. Let a true copy of the above application form be kept on record. Therefore, we do not find any reason to interfere with the order impugned to this writ application. This writ application stands dismissed. There will be, however, no order as to costs. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.