

(2019) 01 CAL CK 0064
In the Calcutta High Court

Case No : CAN 556 Of 2019 In Writ Petition (W.p) No. 25827 (W) Of 2018

Dipak Kumar Ghosh & Ors.

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 21-01-2019

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2019) 01 CAL CK 0064

Hon'ble Judges : Shekhar B. Saraf, J

Bench : Single Bench

Advocate : Sakti Pada Jana, Sutanu Kr. Patra, Biswabrata Basu Mallick

Final Decision : Disposed Off

Judgement

174. The writ petition being W. P. No. 25827 of 2018 is treated as on day's list.

175. This is an application under Article 226 of the Constitution of India wherein the writ petitioners are aggrieved by the entire examination process of the 1st State Level Selection Test (HM) 2017 for recruitment of Headmasters/ Headmistress in the State Government aided/sponsored Secondary and Higher Secondary Schools (Except Hill Region). The petitioners had filed the writ petition on the ground that the West Bengal School Service Commission (hereinafter referred to as the WBSSC) had not published the merit list before proceeding to take the personality test.

(3) When the matter had come up before this Court, this Court had passed an interim order directing the WBSSC to allow the writ petitioners to participate in the personality test without giving rise to any equity in favour of the writ petitioners. Subsequently, an application being CAN 556 of 2019 has been filed by the writ petitioners that contains a document that shows that the results have been published for the aforesaid examination without having given any opportunity of taking the personality test to the writ petitioners.

(4) Mr. Jana, learned counsel appearing on behalf of the petitioners has also

produced the merit list and the notice for counselling that is to take place from January 22, 2019 to January 29, 2019.

(5) Dr. Patra, learned counsel appearing for the WBSSC fairly submits that there has been some miscommunication in the matter and the personality test of the writ petitioners were not taken in the month of December, 2018. Today, personality test will take place. He further submits that after the personality test if the writ petitioners come within the zone of consideration, their names shall be included in the merit list and they shall be called for counselling in accordance with law.

(1) I have heard learned counsel for respective parties.

(2) In light of the above submissions, I am of the view that the personality test of the petitioners should be completed by today and their total results along with break up of the written examination and the personality test be provided to them by tomorrow, that is, January 22, 2019.

(3) In the event, some/ all of the writ petitioners qualify to be called for the counselling, they should be informed immediately and counselling for them should take place along with other persons who have been called for counselling.

(4) Needless to say, the merit list that has been published shall have to be rectified/recast depending on the results of the writ petitions. I make it abundantly clear that no appointment shall take place until the aforesaid is completed.

10. Let counselling start on January 24, 2019 instead of January 22, 2019 so that the petitioner can also participate in the counselling in accordance with law.

11. With the above observations, the writ petition being W. P. 25827 (W) of 2018 and the application being CAN 556 of 2019 are disposed of.

12. Since no affidavits have been invited, the allegations contained in the writ petition are deemed not to have been admitted by the respondents.

13. All parties are to act on the server copy of this order.