

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

**THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,
Case No. - OA 128 OF 2024**

HANIF SK - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
20.06.2024

For the Applicant : Ms.A.P.Banerjee
Advocate
For the State respondents : None
For the Public Service : Mr.Sourav Bhattacharjee
Commission, West Bengal Advocate

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5 (6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

For the recruitment to the post of Junior Engineer (Civil/ Mechanical/ Electrical) the Public Service Commission conducted a recruitment examination. The advertisement No. 25/2017 was published inviting online applications from the candidates to appear and participate. This applicant participated in the said recruitment process for which the examination was held on 18.02.2018. Later, having been successful in the written examination, the applicant was called for a personality test on 17.05.2019. However, in the final merit list, the name of the applicant did not feature. Sensing that there was some prejudice against him, he filed an RTI application wanting to know his marks in the written examination and interview. The Commission replied to him stating that in the written examination he had scored 76 and in the personality test a total of 39 marks, thus a total of 115. The Commission also informed the applicant that the minimum qualifying cut of marks for this examination under OBC-A was 122, the category the applicant

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belong to. Thus, having scored only 115 the applicant did not qualify in the recruitment process. Against his request for the answer keys of the written examination, the complete set was also shared with him. Having examined the answer keys, the applicant assumed that some of the answers he had given were correct. For instance, against question No. 17_“The Poisson’s ratio for steel varies from” the applicant gave Answer (B) whereas the Commission fixed Answer (A) as the correct answer. Similarly, for question No. 22_“Butt weld is specified by” the applicant had given (C) as the answer, but the Commission fixed the answer (D) as the correct answer.

For such prayers and issues, the Hon’ble Supreme Court has in a number of judgements made it clear that the Tribunals are not the competent forums to interfere into the assessment or reassessment of the question papers. The Commission is compose of domain experts who are the accepted authority to, not only compose the questions, but also evaluate the answers given by the candidates in different examinations. This Tribunal cannot be the overriding body reviewing the evaluation skills and expertise of the experts of the Commission. It is natural for a candidate who could not be successful in the examination to feel aggrieved and have doubts in his mind that some of the answers he had given ought to have been treated as correct. Therefore, it is natural for this applicant also to feel that his answers were correct and not the ones given by the Commission. Further, the applicant has not brought any allegation of malpractice or prejudice against him by the Commission. No malice nor any ill feeling has been caused to the applicant by not considering his name in the final merit list. The Commission has also made it clear that this applicant having scored only 115 in the aggregate falls short of 122 scored by the last successful candidate under the

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category he belong to. Therefore, the Tribunal is not convinced of his prayers and moreover, it is not the mandate of this Tribunal to interfere into the evaluation system of the Public Service Commission. Therefore, this application, devoid of any merit is disposed of without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

BLR