

17-06-2010
sb-9

Constitutional Writ
W.P.No.12399(W) of 2010
17-06-2010
Sri Tarun Kumar Das
-vs-
The State of West Bengal & Ors.

POINTS

CUT OFF MARKS -The cut off marks whether to be determined on the basis of the marks obtained by the candidates applying for the post in the examinations and the number of vacancies – Service Law

FACTS

The petitioner in this art.226 petition dated June 14, 2010 is seeking a mandamus commanding the Purba Medinipur District Primary School Council to permit him to participate in the selection process initiated for appointment of primary school teacher.

HELD

The petitioner did not obtain the cut off marks. Candidates obtaining the cut of marks are only entitled to take the written test. Under the circumstances, the petitioner has not received admit card from the council. The cut off marks have been fixed and notified according to the recruitment rules. There is no reason to make an order directing the council to permit the petitioner to take the test. He is not entitled to any relief.

Para 2

Mr. A.K. Chattapadhyaya ...for the petitioner

Mr. Saikat Banerjee for the state

Mr. Tulsidas Maity ...for the council

THE COURT

1.The petitioner in this art.226 petition dated June 14, 2010 is seeking a mandamus commanding the Purba Medinipur District Primary School Council to permit him to participate in the selection

process initiated for appointment of primary school teacher.

2.The petitioner did not obtain the cut off marks. Candidates obtaining the cut of marks are only entitled to take the written test. Under the circumstances, the petitioner has not received admit card from the council. The cut off marks have been fixed and notified according to the recruitment rules. I find no reason to make an order directing the council to permit the petitioner to take the test. He is not entitled to any relief.

3.For these reasons, the petition is dismissed. No costs.
Certified xerox.

(Jayanta Kumar Biswas, J.)