

02.07.2021  
item No.52  
s. bhar  
ct. no. 15

**WPA 10789 of 2021**

**(via video conference)**

**Abhijit Ghosh**  
**-Vs-**  
**The State of West Bengal & ors.**

Mr. Bikash Ranjan Bhattacharyya, Sr. Advocate  
Mr. Firdous Samim  
Ms. Gopa Biswas  
... for the petitioners

Dr. Sutanu Patra  
Ms. Supriya Dubey ...for the SSC

Mr. Kishore Datta, Ld. Advocate General  
Mr. Bhaskar Prasad Vaishya ...for the State

The matter has been extensively heard.

Learned Advocate General appearing for the commission has made submissions as to why under the Rules specially Rule 12 (4) alongwith the definitions of the 'interview list' given in the definition Section of the 2016 Rules, publication of marks of the candidates are not required. He has said also that there is a presumption that the governmental actions have been done correctly. He has made appropriate submissions on instruction as to why it is required. He has also said in respect of this matter that the petitioner has not disclosed his professional qualification and that is why he was not given any marks against his professional qualification and not included in the interview list.

Mr. Bhattacharya, learned advocate for the petitioner has submitted that it is wholly incorrect to say that the petitioner did not disclose his B.Ed. qualification as otherwise his particulars would not have been accepted by the Commission's website which appears from page 4 of the supplementary affidavit filed today (already served upon the respondents) affirmed on 29<sup>th</sup> June, 2021.

I make it clear that transparency is such a thing which is to be read into all Governmental actions. I am in favour of transparency in governmental actions and actions of other authorities who are not strictly governmental. Transparency is always required in an open and democratic society and State. I have felt while hearing some matters of this nature in the last four/five days that the main grievance of the petitioners is that they have no information as to the marks got by them and other candidates who have been named in the interview list.

Today in the course of submissions, the Chairman of the School Service Commission has handed over a document through the Learned Advocate General, which I am keeping on record, to show why the petitioner of this writ application was not included in the interview list. In the said document a large number of candidates' names involved in different writ applications pending in this court have been shown with the remark which actually shows reason as to why they have not been included in the interview list.

I have requested the learned Advocate General to disclose the break up of marks of the candidates who have not been named in the interview list as well as the persons who have been named. The reasons as has been given in this bunch of papers(as stated

above) under the heading “remarks” is also to be given in respect of all the candidates who has not been included in the interview list. I think that disclosure of marks (with break up) of the interview listed candidates as also the persons who have not been included in the interview list will solve a lot of problems.

Learned advocate on taking instruction from the Chairman of Central School Service Commission who is present today has said that seven days’ time is required for publication of interview list as indicated above by me. This would have been otherwise a mammoth task but for the computerized system in place today.

Today I am not varying the interim order passed on 30.6.2021 except to the following extent: the West Bengal Central School Service Commission will take all steps for holding the interview as the office work but will not hold the interview till the interim order is vacated after the above list is published. I make it clear that if the transparency, as has been indicated above is found from the action of the Commission, there will be no necessity for this Court to continue the interim order passed in this matter on 30.6.2021.

This matter is adjourned till 9<sup>th</sup> July, 2021 for further hearing and it will be taken up at 2 p.m.

The matter is marked as heard-in-part accepting the prayer of the parties.

**(Abhijit Gangopadhyay, J.)**