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| Serial No. andDate of order. 1 | Order of the Tribunal with signature2 | Office action with date and dated signature of parties when necessary3 |
| **04****27.02.2018****Sanjib** | **For the Applicant : Mr. Surajit Samanta,** **Mr. Biswajit Samanta,** **Learned Advocates.****For the Respondents : Mr. Manujendra Narayan Roy,** **Learned Advocate.**  The applicants have filed this original application under section 19 of the Administrative Tribunals Act, 1985 challenging merit list of selected candidates to fill up the post of Constable in Kolkata Police vide Employment Notice No.2/2015/KPRB dated November 20, 2015.  The applicants submitted application in response to Employment Notice dated November 20, 2015 of Kolkata Police Recruitment Board for the post of Constable in Kolkata Police. The contention made on behalf of the applicants is that the applicants qualified in physical measurement test and thereafter in physical efficiency test and appeared in the written test. The grievance of the applicants is that the applicants were not called for the interview for selection to fill up the post of Constable. The applicants submitted applications under section 6 of the Right to Information Act, 2005 before the State Public Information Officer to know the marks obtained by them in the written examination and other information and the cut off marks in the said written examination for calling the candidates for interview in different categories. The applicants have challenged the merit list as arbitrary, illegal and malafide and have prayed for quashing of the said merit list. Mr. Surajit Samanta, Learned Counsel for the applicants, contends that the respondents did not maintain transparency in making evaluation of the answer scripts of written examination and thereby acted in an arbitrary manner in preparing the merit list by eliminating the applicants from the said list. The basis of making above submission by Mr. Samanta is that the State Public Information Officer did not supply the break-up of marks obtained by the applicants in the written examination and the copy of OMR sheet of written examination was supplied without giving question paper. He further submits that the criteria for fixing cut off marks for calling the candidates for interview were not supplied under the provisions of section 6 of the Right to Information Act, 2005. On making scrutiny of the application of the applicant Somnath Mondal (Annexure-A10 to the original application) and the information supplied under the provisions of the Right to Information Act, 2005 (page 89 of the original application), we find that the break-up of the marks obtained by the said applicant could not be supplied as the break-up of marks was not available on record. The marks obtained by the said applicant Somnath Mondal was supplied as 26.75 out of total 90 marks in the written examination. The marks obtained by the last candidates who qualified for interview in different categories were supplied and those marks were as follows : Unreserved : 49.25 marks Scheduled Caste : 40.75 marks Scheduled Tribe : 33.50 marks Other Backward Classes-A : 37.25 marks Other Backward Classes-B : 44.00 marks The list of both successful candidates and unsuccessful candidates were supplied as asked for by the applicant Somnath Mondal. On perusal of the information supplied on the basis of the application under section 6 of the Right to Information Act, 2005 submitted by the applicant Somnath Mondal, we do not find that the applicant asked for the question paper of written examination along with OMR sheet and as such non-supply of question paper cannot cause any prejudice to the applicants. In view of our above observations, we are unable to accept the contention made on behalf of the applicants that the respondents did not maintain transparency in making evaluation of the answer scripts of the written examination of the applicants. On the contrary, the information supplied by the State Public Information Officer unerringly point out that transparency was maintained in making evaluation of answer scripts of written examination and in calling for candidates for the interview. Accordingly, there is no basis of making suspicion with regard to evaluation of answer scripts of the written examination. The upshot of our above observation is that there is no arbitrariness or illegality or malafide on the part of the respondents in preparing the merit list of selected candidates to fill up the post of Constables in Kolkata Police (Annexure-A12 to the original application).  As a result, there is no merit for admission of the original application. The original application is, thus, dismissed. Let a plain copy of this order be supplied to both parties.  **( S.K. DAS ) ( R. K. BAG )**  **MEMBER(A)**  **MEMBER (J)** |  |