

17-06-  
2010  
sb-9

*Constitutional Writ*  
17-06-2010  
W.P.No.12444(W) of 2010  
Dilip Das & Ors.  
-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. D.K. Sengupta	....for the petitioners
Mr. Saikat Banerjee	.....for the state
Mr. Tulsidas Maity	....for the council

**THE COURT**

1.The petitioners in this art.226 petition dated June 14, 2010

are seeking a mandamus commanding the Purba Medinipur District Primary School Council to permit them to participate in the selection process initiated for appointment of primary school teacher.

2.The petitioners 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 petitioners have 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 petitioners to take the test. They are not entitled to any relief.

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

(Jayanta Kumar Biswas, J.)