

OD-13

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

WPO No.102 of 2025

SHAMIM AKHTAR

VS

THE REGISTRAR GENERAL,
HIGH COURT AT CALCUTTA & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date:28th April, 2026.

Appearance:-

Mr. Syed E. Huda, Adv.
Ms. Annesha Guha Ray, Adv.
Mr. Aftab Alam, Adv.
...for the Petitioner.

Mr. Debashis Banerjee Adv.
Mr. Rakesh Jana, Adv.
...for Respondent Nos.1 & 2.

1. The petitioner participated in a recruitment process conducted in the High Court at Calcutta, Appellate Side by notification being no.6785-RG dated 1st August, 2024. He falls under OBC-A category where there are 16 vacancies in total. Cut off/qualifying marks in Phase-I Examination (OMR based) is 50 % to qualify for Phase-II Examination (Competitive Written Test). The petitioner secured 49 marks. He is one mark short of the qualifying marks to participate in Phase-II Examination.
2. He raises issue with regard to one question - 'In a family, there are seven sisters and each sister has one brother. How many children are there in total in the family? '. The petitioner answered option 'B', i.e., 8. According to the authority, the correct answer is option 'C', i.e., 14.

3. Learned advocate for the petitioner submits that by any stretch of reasoning, the answer to the subject question has to be option 'B', i.e., eight children and not option 'C', i.e., 14 children.
4. Learned advocate relies upon various answers given to this question generated by Artificial Intelligence and submits that on each and every occasion, the answer has been found to be eight children.
5. It has been submitted that the authority sought for objection after publication of the preliminary answer key. The same was not mentioned in the advertisement for recruitment. It has been submitted that after publication of the final answer key, there were several objections filed by the candidates. The authority did not consider such objection. It has been argued that if objection has been considered after publication of the preliminary answer key, then objection ought to have been considered after publication of the final answer key also.
6. It has been submitted that the report filed by the authority mentions about bare facts without any supporting document. In the absence of any document, the Court may not be in a position to ascertain as to how the answer to the subject question may have been assessed.
7. It has been contended that the reasoning given by the Hon'ble Committee for not considering the objections which were raised after publication of the final answer key that even if one mark is awarded to the candidate, then they would not have come within the zone of consideration, will not be applicable in the case of the petitioner as he had only one mark short of the qualifying mark.

8. Prayer has been made to appoint an expert to assess the disputed question.
9. Learned advocate representing the respondents opposes the prayer of the petitioner. Report by the Registrar (Recruitment and Management) has been relied upon. The report mentions that the provisional answer key was published and objections were invited from the candidates to be submitted within a stipulated time period. As many as eight objections were received in respect of the subject question. The views and objections were forwarded to the paper setter and the same was placed before the Recruitment and Promotion (High Court) Committee for consideration. After considering the views and opinion of the paper setter, the Committee arrived at a final conclusion that the correct answer to the subject question will be option 'C, i.e., fourteen children and not option 'B', i.e., eight children as indicated in the provisional answer key.
10. The report further mentions that even after publication of the final answer key, several representations and objections were submitted by candidates but the same could not be considered as per the decision taken by the Hon'ble Committee. It has been mentioned that at every stage of the selection process, deliberation was made by the Hon'ble Recruitment and Promotion Committee and an approval was obtained from the Hon'ble Chief Justice. It has been contended that the selection process is being conducted strictly in accordance with the rules framed.
11. Upon hearing the submissions made on behalf of both the parties and on perusal of the materials placed before this Court, it appears that the

petitioner has not been able to clear the qualifying marks to appear in the second phase of the recruitment process. The objection raised by the petitioner was duly considered by the authority and the stand of the petitioner has been negated by the Committee. The said decision was duly approved by the Hon'ble Chief Justice.

12. The submission made by the petitioner that documents in support of the report have not been annexed does not help the petitioner in any manner. In a public recruitment process, there may be several documents that may be required to be considered by the authority. Each and every document is not required to be made public. The fact that the objection filed by the petitioner was duly considered is enough for a job aspirant. No case has been made out by the petitioner that the process adopted by the authority is illegal or arbitrary. A job aspirant has to accept the final decision taken by the recruiting authority. A candidate appearing in a recruitment process cannot expect the recruiting authority to act as per his dictates.
13. The Court does not find any error in the recruitment process.
14. In view of the above, no relief can be granted to the petitioner in the instant writ petition.
15. The writ petition fails and is hereby dismissed.
16. Urgent certified photocopy of this order, if applied for, be supplied to the parties or their advocates on record expeditiously on compliance of usual legal formalities.

(AMRITA SINHA, J.)