

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 6295-6297 OF 2009
[arising out of SLP(C) Nos. 136-138 of 2008]

NIRMAL KUMAR ROY

.....

APPELLANT

VERSUS

STATE OF WEST BENGAL & ORS.

.....

RESPONDENTS

O R D E R

Leave granted.

We have heard the learned counsel for the parties.

Two arguments have been made by the learned counsel for the appellant:

(i) that there was no occasion for the Selection Committee to have re-checked and re-evaluated the answer sheets; and

(ii) that some members of the Selection Committee were actuated by mala fides and had deliberately awarded higher marks in the viva to Nitai, the private respondent.

We have gone through the judgment of the Division Bench and find that the Court itself had

called for the model answer paper and found that the corrections made by the Selection Committee were fully justified, and that this was a case of a mere rectification and not re-evaluation as contended by the learned counsel for the appellant.

The second argument of the learned counsel is equally without merit. We see that though the members of the Selection Committee are arrayed as parties, only vague allegations of mala fides have been made and nothing substantial has been put on record. We agree with the learned counsel for the appellant that it is extremely difficult to give details of mala fides beyond a point but at the same time (we believe) to arrive at a finding on mala fides, the Court has to rely on cogent circumstances and not mere suspicion.

In this view of the matter, we find no merit in this matter. The appeals are dismissed.

.....J
[HARJIT SINGH BEDI]

.....J
[J.M. PANCHAL]

NEW DELHI
SEPTEMBER 15, 2009.