

WPA 6290 of 2017

**Ananda Banik
Vs.
The State of West Bengal & Ors.**

**Mr. Sandip Kumar De
Mr. Anupam Dasadhikari
...for the petitioner**

**Mr. L.K. Gupta
Mr. Ratul Biswas
...for the Board**

**Mr. Jahar Lal Dey
Mr. Biswabrata Basu Mallick
...for the State**

The grievance of the petitioner is in spite of being offered appointment vide letter dated 2nd February, 2017 for the post of assistant teacher in primary school such appointment was cancelled by subsequent impugned letter dated 6th February, 2017 issued by the Chairman, North 24 Parganas District Primary School Council.

Since it has been submitted by Mr. Sandip Kr. De, learned advocate representing the petitioner that the petitioner participated in the selection process as an untrained candidate therefore while offering appointment petitioner ought to have been treated as an untrained candidate.

From the appointment letter dated 2nd February, 2017, pages 50 & 51 of the writ petition, it appears that he was offered such appointment as a trained candidate.

Since indisputably petitioner is an untrained candidate this Court wants to examine had the petitioner been treated as untrained candidate whether he would come within the zone of consideration in the matter of getting appointment as primary teacher. Attention of this Court has been drawn to paragraph 4 (g) of the affidavit-in-opposition used on behalf of the West Bengal Board of Primary Education wherein it has been averred that the last candidate in the panel obtained 17.287 whereas petitioner has obtained less marks. However, affidavit is silent about marks obtained by the petitioner as untrained candidate.

This Court directs the West Bengal Board of Primary Education to submit a report in the form of affidavit indicating the marks obtained by the petitioner in the said selection process.

Such report is to be filed on the adjourned date.

List the matter under the heading “For Orders” on 21st June, 2022.

(Saugata Bhattacharyya, J.)