

W.P.A. 1445 OF 2021

(Through Video Conference)

Md. Delawar Hossain Molla

Vs.

The West Bengal Central School
Service Commission & Anr.

Mr. Biswaroop Bhattacharya
Mr. Golam Mohiuddin.

... For the Petitioner

Dr. Chapales Bandyopadhyay
Ms. Anandamayee Dutta.

... For the Respondents

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the non-consideration of his B.Ed. degree in the First State Level Selection Test for recruitment of Assistant Teachers – 2016 in Upper Primary Level of Schools.

2. The case of the petitioner is that inadvertently his training experience was not provided in the application that was made in the year 2014. He submits that he was actually in possession of a B.Ed. degree at that time. He prays that his B.Ed. degree may be considered.

3. Dr. Chapales Bandyopadhyay, learned counsel, who normally appears for the West Bengal Central School

Service Commission, is requested to appear in this matter. His appointment be regularised.

4. Dr. Bandyopadhyay has submitted that the order of the coordinate Bench with regard to the quashing of the selection process is very clear and does not allow any changes to be made in the application form that was made in the year 2016.

5. I have heard counsel appearing for the parties and perused the materials on record. I am at consensus *ad idem* with the argument of Dr. Bandyopadhyay. Accordingly, I see no reason to interfere in granting any relief to the writ petitioner.

6. Law on this subject has been laid down by a catena of Supreme Court and Division Bench judgments of this Court and the same is that – nobody can be permitted to improve qualification subsequent to the date of the cut off. In the present case, the petitioner himself did not mention his qualification, and therefore, at this late stage no exception can be made.

7. With the above direction, the writ petition is accordingly dismissed. There will be no order as to costs.

8. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)