

S/L 15
01.03.2021
Court No.26
SD

**WPA 2137 of 2021
(Via Video Conference)**

Habib Mustafa Sarkar
Vs.
The West Bengal Central School Service Commission & Anr.

Mr. P.S. Deb Barman
Mr. Sakhawat Khandakar
...for the Petitioner.

Dr. Chapales Bandyopadhyay
...for the WBCSSC.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the rejection of the petitioner's application on the ground that the B.Ed. marks were not mentioned in the application format. The issue involved in this matter has already been dealt by me in WPA 1755 of 2021.

It is to be noted that when the matter was taken up in appeal, the Division Bench upheld the order passed by me earlier with an observation that the West Bengal Central School Service Commission may consider other applicants also who have made a similar mistake.

I have heard counsel appearing on behalf of the parties and perused the materials placed on record.

In my view, there is no merit in this writ petition as the petitioner did not provide his percentage of marks obtained and accordingly, the authorities rightly rejected his application.

I, accordingly, dismiss this writ petition.

However, keeping in mind the Division Bench's observation, I reiterate that the West Bengal Central School Service Commission shall be at liberty to consider the application of the petitioner, if they think it appropriate.

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

There will be no order as to costs.

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.)