

27-01-2021

Ct. 12

MAT 113 of 2021
With
CAN 1 of 2021

Dinesh Chandra Halder
Versus
The West Bengal Central School Service Commission & Ors.

(Through Video Conference)

Mr. Anindya Bose, Adv.
Mr. Diptendu Mondal, Adv.
...for the appellant

Dr. Chapales Bandyopadhyay, Adv.
Mr. Anandamayee Dutta, Adv.
...for the respondent

This appeal is directed against an order dated 21st January, 2021 in a writ petition filed by one Dinesh Chandra Halder espousing his grievance that his application for the First State Level Selection Test for recruitment of Assistant Teachers-2016 in Upper Primary Level of Schools was rejected.

It appears from the impugned order that he has not filled up one column in the online application form, which requires him to disclose the percentage of the marks obtained in the B.Ed Examination. It is correct that he has given the marks obtained but under the percentage column he has omitted to mention the same. It may be an act of oversight. However, he did not contemporaneously challenge the action of the respondent authorities in rejecting his application for such omission.

This writ petition is filed based on a judgment passed by a learned Single Judge in a series of writ petitions challenging the recruitment process for Assistant Teachers in the Upper Primary Level. The said decision may not come to the aid of the writ

petitioner/appellant as the persons who had challenged the selection process, filled their application forms and such application forms were rejected not on the basis of omission to disclose a relevant information but on a different ground. Altogether, the grievance was that some ineligible candidates were made eligible and by reasons of the decision of the Commission to revisit the entire selection list on the basis of TET marks, certain anomalies were noticed. It was because of such topsy-turvy selection in the selection list that the learned Single Judge has directed to initiate the process from the stage of Rule 12(3) of the relevant Rules. The said decision cannot be the basis for the present petitioner whose candidature was rejected because of omission to disclose a relevant information in the online application form.

On such consideration, this writ petition stands dismissed.

Although, we have dismissed the writ petition but we leave it to the Recruitment Body if it is expedient to consider those online applications where similar mistake has occurred as if it is found that the parentage of marks that he obtained in the B.Ed. qualifies him to participate in the recruitment process. This opportunity may be given to similarly placed candidates to rectify such defects if possible.

However, we make it clear that this is merely an observation and not any direction upon the authorities for the recruitment process already initiated in terms of the order dated 11th December, 2020 passed by a learned Single Judge and since affirmed by an order of the Division Bench dated 12th January, 2021 in an appeal being ***MAT 843 of 2020 (Moumita Ghosh & Ors. vs. Aktarul Islam Kayal & Ors.)***.

(Aniruddha Roy, J.)

(Soumen Sen, J.)