

28-01-2021
Item no.3
Subrata

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA(P) No.44 of 2021
Buddhadev Man & Ors.

-vs-

The West Bengal Board of Primary Education & Ors.

Mr. Soumen Kumar Datta
Mr. Subhadeep Chatterjee ...for the petitioners

Mr. Abhratosh Majumder
Md. T.M. Siddiqui
Mr. Nilotpal Chatterjee ...for the State

Mr. Subir Sanyal
Mr. Ratul Biswas ...for the Board

Mr. Amit Chakrabarti
Mr. Anil Gupta ...for respondents no.6, 7 & 8

The petitioners are in five in number. They have started this litigation, describing it as a public interest litigation. It is far from it. It is just an attempt to postpone the Teacher Eligibility Test (TET) 2017 for classes I-V to be conducted by the West Bengal Board of Primary Education. On 31st December 2020 the Board notified that the examination would be held on 31st January 2021 from 1 p.m. to 3.30 p.m.

Learned counsel for the petitioners submits that the admit cards were received by his clients on 24th January 2021.

This writ was affirmed yesterday – on 27th January 2021, three days before the examination. The purported grounds as sought to be made out by the petitioners, seeking postponement of the examination, are the instructions contained in the admit card. It is said that there is no statement as to how COVID-19 protocol, including the Standard Operating Procedure (SOP) laid

down by the Central Government, with regard to conduct of physical examination was being followed.

First of all, instructions contained in the admit card are standardised and relate to certain rules under which the examination is held at a centre. The admit card is certainly not a document where the measures taken regarding the COVID-19 virus are to be spelt out.

Secondly, when the government or a statutory body has taken the responsibility of conducting and holding the examination, we have no reason to believe that the applicable COVID-19 protocol will not be followed. There is no evidence before us to suggest that.

In those circumstances, this writ application is disposed of with our expectation that the applicable COVID-19 protocol, including the SOP of the Central Government, shall be followed by the board while conducting the examination.

[I.P. Mukerji, J]

[Md. Nizamuddin, J]

