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**MAT 118 of 2021
with
I.A No. CAN 1 of 2021**

**Md. Delawar Hossain Molla
Vs.
The West Bengal Central
School Service Commission & Anr.**

Mr. Biswaroop Bhattacharya
Ms. Reshmi Ghosh
... For the Appellant

Dr. Chapales Bandyopadhyay
Ms. Anandamayee Dutta
... For the Respondents

The appeal has arisen out of an order dated 21st January, 2021 passed by the learned Single Judge in a writ application filed by the appellant dismissing the writ petition.

The writ petitioner was aggrieved by 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.

It appears that the writ petitioner inadvertently did not include his B.Ed. degree, although the appellant claims to have obtained such B.Ed. degree prior to 2016.

The learned Single Judge relying upon a coordinate bench's decision deciding the same issue as also relying upon a decision of a division bench of this Court dated 27th January, 2021 in MAT 113 of 2021 (Dinesh Chandra Halder Vs. West Bengal Central School Service Commission & Ors.) dismissed the writ petition on the ground that the appellant could not be permitted to rectify the defect at this stage.

In the instant case, although there is no dispute that the appellant was in possession of B.Ed. degree at

the time of his on-line application before the cutoff date, but the list already prepared did not mention his name and he has not challenged the order passed by the learned Single Judge on 11th December, 2020 in WPA 9597 of 2019 and the said order was affirmed by the division bench on 12th January, 2021 in MAT 843 of 2020 (Moumita Ghosh & Ors. Vs. Aktarul Islam Kayal & Ors.)

On such consideration and following the decision of the Hon'ble division bench in MAT 113 of 2021 (Dinesh Chandra Halder Vs. West Bengal Central School Service Commission & Ors.), we are not inclined to interfere with the order passed by the learned Single Judge.

Mr. Biswaroop Bhattacharya, learned counsel appearing on behalf of the appellant, submits that the Recruitment Body may consider those on-line applications where the same mistake has occurred like the appellant, as it would be unjust and inequitable in not allowing such applications, although the appellant is in possession of requisite qualification at the time of submission of his on-line application.

We do not wish to give a direction upon the Recruitment Body to consider such application. We leave it to the Recruitment Body to consider the applications of the candidates who have committed same mistake. Giving such direction is construed to be a direction upon the authorities, who have already initiated recruitment process.

The appeal and the connection application are accordingly dismissed without any order as to costs.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

