

Court No. 17

WPA 4011 of 2021

27.07.2021

(AD 2)

(S. Banerjee)

Chintu Chanak & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Sudipta Dasgupta

Mr. Saikat Sutradhar

... for the petitioners

Mr. Ranjan Saha

... for the State

Mr. L. K. Gupta, Sr. Advocate

Mr. Subir Sanyal

Mr. Ratul Biswas

... for the Board

The prayer of the writ petitioners in this writ application being WPA 4011 of 2021 is to call the petitioners for interview as a part of recruitment process pursuant to orders dated 5th January, 2021 and 6th January, 2021 in some earlier writ applications.

In reply to my question, which recruitment process the petitioners are talking about, the petitioners have intimated this court that it is the recruitment process which was initiated by notification dated 23rd December, 2020 which is at page 74 of the writ application.

Learned advocate for the petitioners have filed one supplementary affidavit. The supplementary affidavit is accepted and be kept on record. A copy of the said supplementary affidavit has been served upon the West Bengal Board of Primary Education today in court.

Mr. L. K. Gupta, learned senior advocate appearing for the West Bengal Board of Primary Education assisted by Mr. Ratul Biswas, learned advocate, submitted two things. The first one is that the writ petitioners were not parties in the writ application where this court passed a judgment on 3rd October, 2018. By that order 175 writ petitioners were covered. Those writ petitioners are not before this court. The second point is whether the present petitioners would be given six marks or not as they were not covered by the said judgment dated 3rd October, 2018 holding that the petitioners who attempted the wrong questions/options in the key answers of one specified booklet could be awarded marks. The marks in question is six marks. Now whether the present petitioners would get the said six marks or not, as they were not covered by the said judgment dated 3rd October, 2018, is a matter now pending before a Division Bench of this Court in appeal bearing No. MAT 1594 of 2018.

After hearing the parties, I find that the above question whether six marks to the non-covered persons like the present petitioners under the said order of the said writ application would be granted or not is a matter to be decided by the Division Bench in the pending appeal as mentioned above and I cannot decide the matter which is directly and substantially an issue in

this writ application. Therefore, I cannot entertain this application.

With the above observation, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)