

Court No. 17

WPA 5966 of 2021

23.08.2021

(AD 42)

(S. Banerjee)

Imran Mondal & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Dibyendu Chatterjee

... for the petitioners

Mr. Supriyo Chattopadhyay

Mr. Sabyasachi Mondal

... for the State

Mr. L. K. Gupta, Sr. Advocate

Mr. Subir Sanyal

Mr. Ratul Biswas

... for the Board

Mr. Sauvik Nandy

... for the NCTE

This writ application has been filed by 25 petitioners. Learned advocate for the petitioners has submitted that full court fees have been paid in respect of all. The document showing payment of court fees via e-challan be kept on record.

Here the main prayers of the writ petitioners are for publication of merit list, which has been published by the West Bengal Board of Primary Education, with all details of the participants like, their marks in the written examination, academic score etc. and as this has not been done, they have also prayed for setting aside and/or cancelling the said merit list.

I wanted to know from the petitioners whether there is any rule in the West Bengal Primary Teachers Recruitment Rules, 2016 where it has been stated that

all details of the candidates are to be published like Rule 12(4) of the West Bengal Central School Service Commission for Upper Primary Teachers Rules. The petitioners have fairly submitted that there is no such rule.

As there is no such rule, I cannot pass a direction or issue any order in the nature of a writ which will tantamount to laying down a rule with a new provision.

Learned advocate for the Board has already drawn my attention that there are contradictory averments in paragraph nos. 5 and 50 of the writ application. In paragraph no. 5 the petitioners have stated that they are not TET qualified, whereas in paragraph no. 50 they have stated that all of them are TET qualified. This is wholly confusing. As no other paragraph of the writ application has been placed before me by the petitioners, apart from the relevant paragraphs as to publication of all details of the petitioners in the merit list, I am not going into other questions.

I do not find any merit in this writ application and the same is dismissed.

(Abhijit Gangopadhyay, J.)