

Court No. 17

WPA 6561 of 2021

23.08.2021

(AD 45)

(S. Banerjee)

Mesbaur Rahman & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Dibyendu Chatterjee

... for the petitioners

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 34 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.

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

(Abhijit Gangopadhyay, J.)