

05.01.2021.

WPA 4687 of 2020

(Via Video Conference)

**Bireswar Mukherjee .
Vs
The State of West Bengal & Ors.**

**Ms. Kakali Dutta,
Mr. Manoj Kumar Mondal,
... For the Petitioner.**

**Mr. L.K. Gupta,
Mr. Subir Sanyal,
Mr. Ratul Biswas,
...For the W.B.B.P.E.**

Learned Counsel appearing for the petitioner submits that the notification dated 23rd December, 2020 for recruitment process of Primary Teacher issued by the West Bengal Board of Primary Education is not sustainable in the eye of law as the petitioner should be awarded marks for attempting wrong questions/ options in the key answers of JGB question booklet series. Learned Counsel further submits that as an interim measure the notification dated 23rd December, 2020 should be stayed.

Mr. Gupta, learned Counsel appearing for the West Bengal Board of Primary Education submits that the Board may allow the petitioner to submit application offline pursuant to the

notification dated 23rd December, 2020 and such applications may be duly considered during the recruitment process, provided the petitioner submits the application within the time fixed in the said notification and Board shall be entitled to consider the eligibility of the petitioner as per the Recruitment Rules, 2016.

Heard both the parties.

In view of the above, I direct the Secretary, West Bengal Board of Primary Education to allow the petitioner to submit application offline pursuant to the notification dated 23rd December, 2020 and such applications may be duly considered during the recruitment process, provided the petitioner submit her application by 8th January, 2021 though the notification specifies that the application should be submitted by 6th January, 2021 and this order will be confined only to the petitioner considering the fact that the petitioner has approached the Court within 6th January, 2021.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)