

13.07.2021
item no.13
s. bhar
Ct.No. 17

**WPA 9895 of 2021
With
CAN 1 of 2021**

(via video conference)

**Priyanka Kayal & ors.
-Vs-
The State of West Bengal & ors.**

Mr. Bikash Ranjan Bhattacharya
Mr. Anindya Bosefor the Petitioners

Mr. Supriya Chattopadhyay
Ms. Iti Dutta
Mr. Ratul Biswasfor the Respondents

The Petitioners (70 in numbers, who has paid full court fees under Entry no. A-6579 dated 5th July, 2021) have filed this writ application praying for a writ of or in the nature of mandamus by cancelling and/or quashing and setting aside the entire selection process initiated by the West Bengal Board of Primary Education for recruitment to the posts of Assistant Teachers in primary schools apropos to the notification dated December 23, 2020 issued by the said Board. Prayer-B of the said writ application is for cancelling and/or quashing the merit list as has been prepared by the West Bengal Board of Primary Education. Prayer-C is for a direction upon the respondent Board to conduct recruitment process strictly adhering to the West Bengal Primary School Teachers Recruitment Rules. By Prayer-D, the petitioners have also prayed for issuance appointment letters in their favour for the

post of Assistant Teachers. All such prayers have been made jointly by the said 70 petitioners. Learned Advocate Mr. Bhattacharya has drawn my attention to the necessary pleadings in support of this case made in paragraphs, 15, 16 and 17 which are as follows:

15. Your petitioners state that One Susanta Dey having Roll NO. 155035907 has got 348 marks out of 800 marks in Madhyamik Examination, 523 marks out of 1000 marks in Higher Secondary Examination, 409 marks out of 800 marks in Graduation which is much lower marks than some of the petitioners, despite that the said Susanta Dey having Roll No. 155035907 has been merit listed against Serial No. 644 in Unreserved OBC-B category whereas despite getting higher marks, the higher meritorious petitioners have not been included in the merit list. Photocopies of the Relevant Portion of Merit list as well as Application Susanta Dey (Sic.) are annexed hereto and collectively marked as “Annexure P-8”.

16. Your petitioners state that One Mokbul Biswas having Roll number 080158336 despite not being a Para Teacher has been included in the merit list under reference against Rank 46 under Para Teacher Category and an application under the Right to Information Act 2005 has been made seeking information as to whether the said Mokbul Biswas has been serving as Para Teacher or not.

Photocopies of the Application of Mokbul Biswas, Relevant Portion of Merit List, RTI Application as well as Postal Receipt are annexed hereto and collectively marked as “Annexure P-9”.

17. Your petitioners state that One Chiranjit Chatterjee having Roll no. 110009758 despite getting lower marks than some of the petitioners have been included in the merit list and the petitioner no. 1 through his learned advocate has made an application under the Right to Information Act 2005 to the State Public Information Officer, West Bengal Board of Primary Education on 5/4/2021 by speed post seeking thereby the marks obtained by the said Chiranjit Chatterjee in TET, Academic Qualification and Interview. Photocopies of the RTI Application as well as Postal Receipt are annexed hereto and collectively marked as “Annexure P-10”.

(emphasis mine)

From paragraph-16, it is found that the pleading of the 70 petitioners is that one Susanta Dey has been named in the merit list though he has got much lower marks “than some of the petitioners”. It is not mentioned in the said paragraph in respect of which petitioners, this allegation against said Susanta Dey has been made. The said Susanta Dey has also not been made a party to the writ application though some allegation has been made against him.

Paragraph-16 speaks about filing of an application under the Right to Information Act, 2005 naming one Mokbul Biswas alleging that despite not being a para teacher has been included in the merit list against rank no. 16 under para teacher category. It has not been pleaded that how many of the 70 petitioners are para teachers and who are they and how they claim appointment in place of one Mokbul Biswas. The said Mokbul Biswas has also not been added as a party respondent in the writ application. From paragraph-17, it appears that one Chiranjit Chatterjee despite “getting lower marks than some of the petitioners have been included in the merit list” but it has not been shown that who are those “some of the petitioners” who have been aggrieved because of inclusion of Chiranjit Chatterjee. The said Chiranjit Chatterjee has also not been named as a party respondent in the writ application.

From the above discussion, it is evident that the petitioners have come before this court in a very casual manner for making some allegations with the expectation that the court would give them indulgence in such frivolous pleadings and in respect of not making named persons against whom allegations have been made parties in the writ application. The material facts have not been stated and necessary particulars are wholly absent in the pleadings.

This court seriously deprecates such practice of filing careless application. I do not find any other alternative but to dismiss this writ application for the reasons stated above with a cost of Rs. 2000/- (Rupees two thousand only) to be paid by the petitioners to the High Court Legal Service Committee by two weeks from date.

This writ application along with connected application being CAN 1 of 2021 are dismissed.

All parties are to act on the server copy of this order which is downloaded from the website of this court.

(Abhijit Gangopadhyay, J.)