

20.12.2021
SL No. 26
Court No. 24
(P.M.)

WPA 12544 of 2021

Srimanta Roy
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Tarun Kumar Das,
Mr. Madan Mohan Roy
... for the petitioner

Ms. Chaitali Bhattacharyya,
Ms. Ujani Pal Samanta
... for the State

Mr. Ratul Biswas
... for the Board

The petitioner happens to be an eligible candidate empanelled for appointment as a primary school teacher.

His grievance is that the date of counselling was not intimated to him either via SMS or through E-mail. Due to non-communication of the date of counselling he could not attend the process of counselling.

The petitioner relies upon a notification published by the West Bengal Board of Primary Education on 17th February, 2021 wherein it has been mentioned that the counselling and appointment will be conducted for the TET-2014 qualified and trained empanelled candidates on and from 17th February, 2021.

It appears from the documents annexed to the writ petition that the petitioner made an undated written communication to the West Bengal Board of Primary Education that he was admitted in the nursing home on 16th February, 2021 and discharged on 22nd February, 2021. He was not in a position to attend the counseling. A track report has been annexed to show that the aforesaid communication was served upon the respondent authorities on 25th March, 2021. Certain medical documents have also been annexed to the writ petition.

The petitioner prays for a direction upon the respondent authorities to consider him at the recounselling stage.

The learned advocate appearing on behalf of the respondent authorities submits that the notice of counselling was annexed in the notice board of the Council and the same was published in the official website of the Board. The candidates were requested to appear for document verification. At the time of document verification, the names of the candidate was called through microphone several times but the petitioner did not turn up. The matter was intimated to the Secretary, West Bengal Board of Primary Education on 10th September, 2021.

It appears from the submission of the parties that the petitioner himself was not vigilant and he did not care to appear at the time of counselling.

The notification no. 337/BPE/2021 dated 17th February, 2021 which the petitioner is relying upon at page 33 of the writ petition to show that the date, time and venue of counselling was to be intimated to the candidates, will not be applicable in case of the petitioner as the said notification was meant only for the candidates who could not be empanelled in their own districts. The petitioner being an empanelled candidate will not get the benefit of the notification being Memo No. 337/BPE/2021 dated 17th February, 2021.

All the candidates whose names appeared in the panel duly participated in the counselling process and necessary consequential steps have been taken by the authorities.

The petitioner stresses on the fact that no personal communication/intimation was given to the petitioner intimating the date, time and venue of counselling. The aforesaid submission of the petitioner cannot be accepted. Public notice about counselling was published in the office notice board as well as the official website of the respondent authorities. A candidate who intends to get a job

ought to have been more vigilant and should have kept track over the daily notice(s) which are published officially in the notice board as well as in the official website of the respondent authorities. Failure to communicate the date, time and venue of counselling individually to a candidate will not render the entire process bad as claimed by the petitioner.

Right now no relief can be granted to the petitioner in the instant case.

It however goes without saying that if the petitioner is entitled to be called for recounselling in accordance with his position in the merit list, then necessary step shall be taken by the respondent authorities in accordance with law.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)