

Ct. 05
Item No.28
20.09.2021
(suvendu)

WPA 14727 OF 2021

(VIA VIDEO CONFERENCE)

**Md. Alamgir Hossain
Vs.
The State of West Bengal & Ors.**

Mr. Khairul Alam

.....for the Petitioner

Mr. Shamimul Bari
Mr. Raja Saha

.....for the State

Mr. Prosenjit Mukherjee
Mr. Nirmalya Kumar Das
Ms. Madhurima Sarkar

.....for the Madrasah Service Commission

The writ petitioner being one of the aspirants for the post of Assistant Teacher in Government aided recognised Madrasah, participated in the 6th State Level Selection Test, 2013 (for short, “said SLST”). Since the writ petitioner was found not eligible to participate in the Personality Test, he made an application under Right to Information Act and the same was responded to by the concerned authority of the West Bengal Madrasah Service Commission vide Memo dated 5th July, 2018. By the said Memo dated 5th July, 2018, it was intimated to the writ petitioner that he was allotted 64 marks in TET examination whereas the

last candidate, who was called for the said Personality Test, was awarded 65.4 marks.

In connection with an earlier writ petition filed by the writ petitioner, an order was passed on 16th August, 2021 by a coordinate Bench of this Court and pursuant to the said order, TET certificate has been issued in favour of the writ petitioner which is at 32 of the instant writ petition.

On behalf of the writ petitioner it is submitted that since the TET certificate has been issued to him, he is entitled to participate in the Personality Test in connection with the SLST of 2013.

Mr. Prosenjit Mukherjee, learned advocate appears on behalf of the West Bengal Madrasah Service Commission and submits that Personality Test in connection with the said SLST of 2013 was conducted in the months of November and December, 2017 and based on such test, final panel was published on 22nd June, 2018 and the panel expired on 22nd June, 2019. Therefore, at the present moment, the writ petitioner can not have any cause of action relating to his participation in the Personality Test in connection with the said SLST of 2013, which was conducted in the year 2014.

This Court has considered the rival contentions of the respective parties to this writ petition and finds that since the selection process of the said SLST of 2013 was concluded upon preparation of panel on 22nd June, 2018 and the panel has already expired after a period of one year thereafter that is on 22nd June, 2019, the grievance of the writ petitioner cannot be considered at this belated stage.

Accordingly, the writ petition stands dismissed without any order as to costs.

However, this order shall not prevent the writ petitioner to offer his candidature in the next selection process to be conducted by the West Bengal Madrasah Service Commission, if he is otherwise found eligible, since the petitioner has been supplied with TET certificate.

All parties to act on the server copy of this order downloaded from the official website of this Hon'ble Court.

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

(Saugata Bhattacharyya, J.)

