

08 22.09.2021
rkd Ct.05

W.P.A. 14900 of 2021
(Through Video Conference)

Anushree Das
-vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Pintu Karar

....for the petitioner.

Mr. Ratul Biswas

....for the Board.

Mr. Bhaskar Prasad Vaisya,
Mr. Ranjan Saha

....for the State.

Affidavit-of-service filed in Court is taken on
record.

Writ petitioner is a TET 2014 qualified candidate who is desirous to have his candidature appraised by the West Bengal Board of Primary Education (for short 'Board') for appointment in the post of primary teacher.

Mr. Chatterjee, learned advocate appears on behalf of the petitioner and submits since the petitioner was suffering from Covid-19 in the month of December, 2020 therefore she could not file online application before the Board for participating in the process of verification and scrutiny conducted by the Board. Recently the Board has issued notification dated 13th September, 2021 permitting those candidates to

participate in verification and scrutiny which has been held on 20th September, 2021 and 21st September, 2021, who submitted offline application on 9th January, 2021 and 10th January, 2021. Petitioner prays for necessary direction to participate in the said verification and scrutiny which is already over on 21st September, 2021 though the writ petitioner admittedly did not submit application online or offline.

Mr. Biswas, learned advocate appears on behalf of the Board and submits that there is no scope for any further direction upon the Board to allow any candidate to participate in verification and scrutiny since the last date of verification and scrutiny was 21st September, 2021. It is also submitted that the writ petitioner did not make online or offline application in terms of the relevant notifications of the Board therefore, no right accrues in favour of the petitioner to offer his candidate in the process of verification and scrutiny.

Considering the rival submissions made on behalf of the parties this Court finds that no right accrues in favour of the petitioner since the writ petitioner failed to submit application online or offline in terms of the notifications dated 23rd

December, 2020 issued by the Board. Though prescription has been annexed to this writ petition in support of the contention of the writ petitioner dated 20th December, 2020 in order to explain the failure on the part of the writ petitioner to make application pursuant to the notification since the writ petitioner was suffering from Covid-19. On perusal of the prescriptions of physician dated 20th December, 2020 and 4th January, 2021 it appears that petitioner was indisposed but there was no report annexed to this writ petition which goes to show that at the material point of time petitioner was suffering from Covid-19. In addition thereto if it is presumed that petitioner was suffering from Covid-19 from 20th December, 2020 being the date of the first prescription, in that event petitioner had the opportunity to submit online application pursuant to the notification of the Board dated 23rd December, 2020 which petitioner chose not to avail.

In above conspectus, the writ petition stands dismissed.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

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

(Saugata Bhattacharyya, J.)