

10th November
2021

WPA 15827 of 2021

(19)
(BD)

Khalil Abrar Barkati
-vs-
The State of West Bengal & Ors.

Md. Mokaram Hossain
Md. Anawarullah Sk.
Mr. Sandipan Maity
... for the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... For the State.

Mr. Subir Sanyal
Mr. Ratul Biswas
... for the Board

The grievance of the petitioner relates to a decision of the Secretary of the West Bengal Board of Primary Education rejecting the petitioner's application for the post of Primary Assistant Teacher on the basis of false and fabricated documents.

According to learned Counsel, the decision is subject to challenge since the National Council for Teacher Education (NCTE) certified by a communication dated 4th February, 2021 that the petitioner's mark sheet is a genuine and accurate document.

Although learned counsel appearing for the Board submits that all relevant considerations were taken into account by the Board in arriving at the impugned decision, this Court is of the view that the impugned decision does not indicate or reflect anywhere that the communication with the NCTE was taken into account by the Board. The communication is of 4th February, 2021 compared to the impugned decision which is of 21st April, 2021 and hence should have been before the Board. Further, the submission made on behalf of the

Board concerning the absence of any real value to the certificate of the NCTE is also not reflected in the impugned decision. Whether the Board has the authority to overlook a certificate of the NCTE should have been clearly discussed in the impugned order which has not done.

In view of the above, the decision of the Board dated 21st April, 2021 is set aside.

The respondent no. 5, being the Secretary, West Bengal Board of Primary Education, is directed to consider the NCTE's communication which has been produced by the petitioner and passed a reasoned order once again after giving an opportunity of hearing to the petitioner and all other concerned parties. The decision should be passed within four weeks from date and a copy of the decision made over to the petitioner within a week from date on which the decision is passed.

WPA 15827 of 2021 is disposed of in terms of the above.

(Moushumi Bhattacharya, J.)