

Item No.3

23.12.2021  
Ct-24

In The High Court At Calcutta  
Constitutional Writ Jurisdiction  
(via video conference)

WPA 20963 of 2021  
Debabrata Majhi & Ors.  
v.  
State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.  
Mr. Dibyendu Chatterjee  
Ms. Jhuma Chakraborty  
Ms. Reshmi Ghosh  
Ms. Piyali Paul  
... for the petitioners.

None  
... for the State respondents.

Mr. L.K. Gupta, Sr. Adv.  
Mr. Subir Sanyal  
Mr. Dwarik Nath Mukherjee  
Mr. Ratul Biswas  
... for the Board.

The West Bengal Board of Primary Education has published a Notification on December 20, 2021 publishing the list of the candidates for scrutiny/verification and interview/aptitude test of the writ petitioners who have qualified in the TET, 2014 Examination after awarding maximum six marks for the wrong questions attempted (if not already awarded) in compliance of the orders passed by this Court.

The list contains 738 names. There are 738 vacancies to be filled up by the Board.

The candidates have been notified for the purpose of scrutiny/verification of the testimonials/documents and viva voce and aptitude test. The dates fixed for the aforesaid purpose are between December 22, 2021 and December 28, 2021.

A further notice has been published by the Board on December 22, 2021 wherein the numbers of five writ petitions have been mentioned and the petitioners in the said writ petitions have been directed to report to the Board for scrutiny and verification on December 26, 2021 along with certain documents that have been indicated in the said notice.

Apart from the other documents required to be produced at the time of scrutiny/verification and interview/aptitude test, the candidates have been asked to produce the copy of the OMR sheet/Digitized Data of the OMR sheet/RTI Reply of the Board regarding TET Marks obtained, issued by the West Bengal Board of Primary Education.

It has been submitted that some of the petitioners do not possess the OMR sheet/Digitized Data of the OMR sheet/RTI Reply of the Board and non-production of the same may pose a problem for the candidates.

The learned senior advocate appearing on behalf of the Board submits that the aforesaid documents are required for the purpose of scrutiny/verification of the

testimonials of the candidates. It is the duty of the Board to verify the documents and testimonials of the candidates for weeding out ineligible candidates.

It appears from the submissions made on behalf of both the parties that the petitioners have reservation with only the documents mentioned in serial no. 5 of the notice dated 22<sup>nd</sup> December, 2021. As regards the other documents required to be produced, the petitioners do not have any problem.

The Board is directed to proceed with the scrutiny/verification and interview/aptitude test in accordance with the notice published by the Board on December 20, 2021 and December 22, 2021.

The candidates who possess the OMR sheet/ Digitized Data of the OMR sheet/RTI reply of the Board shall produce the same at the time of scrutiny/verification.

The candidates who do not possess the same, the Board shall take steps to rely on the data that is available with the Board and the candidates will have to abide by the data that is maintained by the Board for the said purpose.

The candidates shall however produce all the other documents that are mentioned in the notice dated December 22, 2021 for the purpose of scrutiny/verification.

In the event, any candidate faces any difficulty/or has any grievance with regard to the interview/verification/scrutiny of testimonials and documents, the same may be intimated to the Board in the dedicated online portal which the Board is going to open shortly for consideration of the individual grievances of the candidates.

The grievances raised by the candidates shall be mitigated by the Secretary of the Board at the earliest but positively within a fortnight from the date of uploading the objection/grievance.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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**(Amrita Sinha, J.)**