

04. 08. 2021

BP
Sl. 195
Court No. 17.

WPA 24388 of 2018
(Via Video Conference)

Mominul Shaikh
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee,
Ms. Jhuma Chakraborty,
Mr. Pritam Majumdar,
..for the petitioner.

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

Mr. Sauvik Nandy,
..for the NCTE.

The case of the petitioner is this that he passed in TET 2014. Thereafter out of his own volition he joined D.El.Ed. course conducted by the West Bengal Board of Primary Education (Board, in short) along with the sponsored candidates meaning thereby the candidates who were already in service. The petitioner was not in service as a teacher. The allegation of the petitioner is that the result of the said course for the session 2015-17 published after a considerable period of delay.

From Annexure P-3, the petitioner has drawn my attention that there was a direction from the Secretary of the Board to release the students from the D.El.Ed. institution by 30.06.2017. So the petitioner was also released from 30.06.2017 from the

institution.

From Annexure P-8 the petitioner has drawn my attention to a notification for handing over mark-sheets of D.El.Ed. Part-II (Regular/ face to face mode) examination of session 2015-17 pursuant to which the petitioner collected the mark-sheet. The sense of deprivation which has been generated in the mind of the petitioner is caused by a notice dated 02.11.2017 (annexure P-2) issued by the Secretary of the Board intimating the TET qualified candidates “who have not been empanelled” and, also, “not been rejected” after verification for recruitment, only such candidates as have been passed in the final examination of two years D.El.Ed. course/ 2 year D.El.Ed. course Special Education could submit in person the documents mentioned in the said notice. The petitioner’s contention is, for delay in issuing the mark sheet D.El.Ed by the institution, the opportunity granted by the Board could not be awaited by the petitioner. But the petitioner herein is not at all covered by the notice as he has candidly admitted before this court that he is neither a “not empanelled” candidate nor a “rejected candidate” after verification for recruitment. The notice only covered the persons as has been mentioned in the said notice. Therefore, there is no question of the deprivation of the petitioner due to delayed publication of the result of his training course for the session 2015-17 in November, 2018.

For the reasons as aforesaid for publication of this notice being Annexure P-2 by the West Bengal Board of Primary Education dated 02.11.2017 the petitioner cannot come within the meaning of an “aggrieved person” who can file a writ application. The

petitioner was not covered by the notice dated 02.11.2017. The petitioner does not have any cause of action or any locus also to move this application.

In this view of the matter, this writ application is dismissed.

No costs.

(Abhijit Gangopadhyay, J.)

