

33 & 07.01.2021.
Ors.

ab
Ct.
15

WPA 11277 of 2020

(Malabika Sahu alias Malabika Sahu (Das) – Vs -The State of West Bengal & Ors.)

With

WPA 15 of 2021

(Maumita Mondal & Ors. – Vs -The State of West Bengal & Ors.)

With

WPA 114 of 2021

(Ibrahim Mondal & Ors.. – Vs -The State of West Bengal & Ors.)

With

WPA 202 of 2021

(Sampa Mondal – Vs -The State of West Bengal & Ors.)

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WPA 232 of 2021

(Ayub Hossain & Ors. – Vs -The State of West Bengal & Ors.)

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(Shampa Khatun – Vs -The State of West Bengal & Ors.)

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(Tapabrata Roy & Ors.. – Vs -The State of West Bengal & Ors.)

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(Subhasis Negel. – Vs -The State of West Bengal & Ors.)

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(Tanmoy Negel. – Vs -The State of West Bengal & Ors.)

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(Munna Sarkar. – Vs -The State of West Bengal & Ors.)

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(Debabrata Patra. – Vs -The State of West Bengal & Ors.)

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(Bulti Bhangi. – Vs -The State of West Bengal & Ors.)

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(Babita Mahato. – Vs -The State of West Bengal & Ors.)

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(Suman Mazumder & Ors. – Vs -The State of West Bengal & Ors.)

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(Trina Kunti & Ors.. – Vs -The State of West Bengal & Ors.)

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(Subhendu Das & Ors.. – Vs -The State of West Bengal & Ors.)

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(Gouri Bhowmik (Bera). – Vs -The State of West Bengal & Ors.)

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(Smt. Sumana Samanta (Das). – Vs -The State of West Bengal & Ors.)

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WPA 467 of 2021

(Md. Firdous Aktar & Ors.. – Vs -The State of West Bengal & Ors.)

With

WPA 469 of 2021

(Tapan Kumar Mandal & Ors.. – Vs -The State of West Bengal & Ors.)

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WPA 431 of 2021

(Ratan Karmakar & Ors.. – Vs -The State of West Bengal & Ors.)

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WPA 432 of 2021

(Pulak Dutta & Ors. – Vs -The State of West Bengal & Ors.)

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WPA 421 of 2021

(Sujit Kumar Das & Ors.. – Vs -The State of West Bengal & Ors.)

With

WPA 410 of 2021

(Rani Karmakar & Ors. – Vs -The State of West Bengal & Ors.)

With

WPA 435 of 2021

(Patrika Chakrabarti (Panda) & Ors.. – Vs -The State of West Bengal & Ors.)

**Mr. Goutam Acharya,
... For the Petitioners in
WPA 11277 of 2020.**

**Mr. L.K. Gupta,
Mr. Subir Sanyal,
Mr. Ratul Biswas,
...For the W.B.B.P.E.**

All the above matters are taken up together as the cause of action in all the writ petitions are similar.

Learned Counsel appearing for the petitioners submits that the notification dated 23rd December, 2020 for recruitment process of Primary Teacher issued by the West Bengal Board of Primary Education is not sustainable in the eye of law as the petitioners should be awarded marks for attempting wrong questions/ options in the key answers of JGB question booklet series. Learned Counsel further submits that as an interim measure the notification dated 23rd December, 2020 should be stayed.

Mr. Gupta, learned Counsel appearing for the West Bengal Board of Primary Education submits that the Board may allow the petitioners to submit applications offline pursuant to the notification dated 23rd December, 2020 and such applications may be duly considered during the recruitment process, provided they submit the

applications within the time fixed in the said notification. Board shall be entitled to consider the eligibility of the petitioners as per the Recruitment Rules, 2016.

Heard both the parties.

In view of the above, I request the Secretary, West Bengal Board of Primary Education to allow the petitioners to submit applications offline pursuant to the notification dated 23rd December, 2020 and such applications may be duly considered during the recruitment process, provided they submit their applications by 8th January, 2021 though the notification specifies that the applications should be submitted by 6th January, 2021 and this order will be confined only to the petitioners considering the fact that the petitioners have approached the Court within 6th January, 2021. It is obvious that the West Bengal Board of Primary Education is entitled to consider the eligibility of the petitioners as per Recruitment Rules, 2016.

With the above direction all the above mentioned writ petitions are disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petitions are deemed to have been

denied.

Urgent certified website copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Rajarshi Bharadwaj, J.)