

05.01.2021.

WPA 11338 of 2020

(Via Video Conference)

**Somnath Mandal & Ors.
Vs
The State of West Bengal & Ors.**

**Mr. Sasthi Charan Dhara,
... For the Petitioners.**

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

**Mr. Rajendra Chaturvedi
... For the State.**

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.

The writ petition is disposed of, however, no order as to costs.

Since no affidavit is called for, the allegations made in the writ petition 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.)