

24.02.2022
SL No. 17
Court No. 24
(P.M)

WPA 1785 of 2022

**Amjed Ali Gazi & Ors.
Vs
The West Bengal Board of Primary Education & Ors.
(Via Video Conference)**

Mr. Abhijit Basu,
Mr. Dwarikanath Mukherjee
... for the petitioners.

Mr. L.K. Gupta, Sr. Adv.
Mr. Ratul Biswas
... for the Board

The petitioners applied for participating in the recruitment process of primary school teachers in the 2016 recruitment process initiated by the West Bengal Board of Primary Education.

All the 124 petitioners are TET qualified. They are serving as para teachers of upper primary schools. They pray for reservation under the para teacher category.

Learned senior counsel appearing on behalf of the West Bengal Board of Primary Education submits, upon instruction, that the benefit of reservation under the para teacher category cannot be allowed in favour of the petitioners as they are not para teachers of Primary schools but of upper primary schools. Had they been teachers in the primary schools then the benefit of para teacher category could have been extended to them.

However, it has been fairly submitted by the learned senior counsel that the petitioners may be accommodated in accordance with their respective castes after de-categorization and there is every likelihood that the petitioners can be accommodated or enlisted in the list.

In view of the said submission, the Board is directed to take all necessary steps for treating the petitioners in accordance with their respective castes without extending the benefit of reservation meant for para teachers.

Step shall be taken for de-categorization of the petitioners in accordance with the recruitment rules at the earliest, but positively within a period of three months from the date of communication of a copy of this order.

The writ petition has been filed by one hundred twenty four petitioners by submitting only one court fees. The learned advocate for the petitioners is directed to deposit the deficit court fees in respect of 123 petitioners in course of the day. In default, the order passed herein shall be restricted only in respect of the petitioner No. 1 and writ petition shall be deemed to have been dismissed in respect of the others.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)