

24.02.2022

37

ss

W.P.A. 2381 of 2022

Joydeb Pal & ors.

Vs.

State of West Bengal & ors.

Mr. Abhijit Basu ... for the petitioner

Mr. Ratul Biswas ... for the Board

Let affidavit of service filed in Court be kept with the record.

Learned Advocate on record is granted leave to correct the description given in the respect of the petitioner nos.12, 18, 29, 39, 52, 63 appearing in the cause title of the writ petition.

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 ninety-one petitioners are TET qualified. They erroneously mentioned their category as para teachers.

Learned counsel appearing on behalf of the West Bengal Board of Primary Education submits that the benefit of reservation under the para teacher category cannot be allowed in favour of the petitioners as the petitioners were empanelled in the para teachers category erroneously as it has been submitted in Court that the

petitioners are not para teachers of any school. Had they been teachers in the primary school then the benefit of para teacher category could have been extended to them.

However, it has been fairly submitted by the learned 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 ninety-one petitioners by submitting only one court fees. The learned advocate for the petitioners is directed to deposit the deficit court fees in respect of ninety petitioners by tomorrow. 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.)