

Item No.34

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

29.03.2022
Ct-24

WPA 2556 of 2022
Sumita Sil (Dutta)

v.

State of West Bengal & Ors.

Mr. Shamit Sanyal
Ms. Priyakshi Banerjee
Mr. Sabyasachi Roy
... for the petitioner.

Mr. Raja Saha
Mr. Shamim ul Bari
... for the State respondents.

Mr. Ratul Biswas
... for the Board.

The petitioner appeared in the TET 2014 Examination but was initially held to be unsuccessful. After awarding an additional mark the petitioner became successful in the year 2021.

The case of the petitioner is that had her answer-scripts been assessed properly, then she would have been successful at the very initial stage. Due to the delay in awarding the additional mark to the petitioner, she crossed the age limit for appearing in the recruitment process initiated by the West Bengal Board of Primary Education.

The Board published a recruitment notice inviting online applications for appointment of primary teachers on December 23, 2020. The age limit for appearing in the said examination is forty years on the first day of January 2020. Admittedly, the petitioner became over aged on the date of publication of the recruitment notice.

After publication of the notice the petitioner approached this Court by filing a writ petition praying for a direction upon the respondent authorities to allow her to submit the application offline.

Pursuant to the leave granted by the Court, the Board permitted the petitioner to file offline application. The petitioner applied offline but thereafter the Board disqualified the petitioner at the interview stage as she crossed the age bar that was prescribed in the recruitment notification.

The petitioner tries to make out a case that as she was within the age limit when the TET 2014 Examination was conducted, accordingly, she ought to be permitted to participate in the present recruitment process, as TET 2014 qualified candidates are eligible to participate in the present recruitment process.

According to the petitioner, the recruitment process started with initiation of TET 2014 Examination and till the present recruitment process concludes it has to be taken that the recruitment process is still on; and

she ought to be permitted to participate in the same as she was within the prescribed age limit when the TET examination was conducted.

The aforesaid contention of the petitioner has been opposed by the Board.

After hearing the submissions made on behalf of the parties it appears that the petitioner being within the prescribed age limit participated in the TET 2014 Examination, but for some reason she became unsuccessful. Thereafter, pursuant to various orders passed by the Court, the Board awarded one extra mark to the petitioner and she became successful in the TET 2014 Examination.

By the time the petitioner was held to be qualified in the TET 2014 Examination, she crossed the age limit to participate in the recruitment process. The outer age limit for participating in the recruitment process of primary school teachers, without the benefit of age relaxation, is forty years. The petitioner is presently forty-seven years of age.

Admittedly, she was over aged on the day the recruitment notification was published on December 23, 2020. She approached the Court for an order to apply offline, but failed to draw the attention of the Court that she was over aged and failed to obtain any order from the Court to allow age relaxation in her case.

As the petitioner approached the Court on an earlier occasion and failed to obtain any order permitting her to participate in the recruitment process upon relaxation of age, accordingly at the second attempt she cannot be permitted to pray for age relaxation. The petitioner ought to have drawn the attention of the Court at the very first instance. At this stage, there is no scope to permit the petitioner the benefit of age relaxation.

In view of the above, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)