

Court No. 24
01.02.2022
(Item No. 21)
(AB)

W.P.A. 7721 of 2021
(via video conference)

Raghunath Das
VS
The State of West Bengal & Ors.

Mr. Anindya Bose
Mr. Diptendu Mondal
..... for the petitioner
Mr. Ratul Biswas
..... for the Board
Mr. Avishek Prasad
..... for respondent No. 5

The petitioner's grievance is that even though he applied pursuant to the notification published by the West Bengal Board of Primary Education on 23rd November, 2020 and submitted his application form in response to the notification for recruitment of Primary Teachers published by the West Bengal Board of Primary Education on 23rd December, 2020 he was restrained from participating in the interview process.

Admittedly the petitioner is a TET qualified candidate. He enrolled himself for obtaining training in the session 2017-19 and the result of his training was published in March, 2021.

According to the petitioner as the candidates who appeared in the final examination for obtaining the training course were eligible to apply in terms of the notification dated 23rd November, 2020 accordingly he ought to have been permitted to appear in the interview.

The petitioner has impleaded the private respondent to show that the Board permitted the private respondent to

appear in the interview even though the petitioner and the private respondent were similarly situated.

According to the petitioner the private respondent also did not have the training qualification as required in terms of the notification for recruitment dated 23rd December, 2020.

The learned advocate representing the West Bengal Board of Primary Education submits, upon instructions, that the petitioner was treated as a trained candidate as he applied pursuant to the notifications dated 23rd November, 2020 and 23rd December, 2020. Subsequently at the time of verification/interview on 10th January, 2021 it was found that the petitioner did not clear his training course. He passed the D.Ed (Special Education) course by clearing the subjects only in March, 2021.

As the eligibility criteria for being recruited as Primary Teacher requires a mandatory training qualification prescribed by National Council for Teacher Education accordingly, the petitioner did not have a chance to be considered for appointment.

The documents annexed to the writ petition shows that the private respondent passed the D.Ed (Special Education) course in May, 2020 that is prior to the date of publication of the recruitment notification. The claim of the petitioner that he and the private respondent both stand in the same footing is not substantiated from records.

The submission of the petitioner is that as the Board permitted the candidates who appeared in the training

course to file online applications in the notification dated 23rd November, 2020, accordingly, the petitioner ought to be given a chance for participating in the interview process.

The said submission of the petitioner cannot be accepted. The notification of the Board dated 23rd November, 2020 was for the limited purpose of verification/scrutiny of testimonials for ascertainment of the training qualification of TET, 2014 qualified candidates. The recruitment notification which was published on 23rd December, 2020 clearly mentions that candidate must possess the training qualification for being eligible for recruitment as Primary Teacher.

As the petitioner did not possess a training qualification either on the date the notification was published or on the date the documents were verified by the Board, accordingly, no relief can be granted to the petitioner in the instant writ petition.

The writ petition fails and is hereby dismissed.

Instruction given by the Board to the learned advocate is retained with the record.

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

(Amrita Sinha, J.)