

Item No. 83

20.05.2022
Ct-24

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8048 of 2022
Smt. Jhulan Banerjee & Anr.
v.
The State of West Bengal & Ors.

Mr. Chittapriya Ghosh
Ms. Komal Singh
Mr. Somesh Kumar Ghosh
... for the petitioner.

Mr. Ratul Biswas
... for the Board.

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

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.

Both are TET qualified. They mentioned their category as para teacher (upper primary).

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 teacher category erroneously. 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 for the Board that the petitioners may be accommodated in accordance with their respective castes after de-categorization provided they secure marks more than the last empanelled candidate in their respective category.

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 two petitioners by submitting only one court fees. The learned advocate for the petitioners is directed to deposit the deficit court fees in respect of one petitioner by today (20.05.2022). 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 other.

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.

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(Amrita Sinha, J.)