

Court No. 22
17.11.2022
(Item No. 78)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 8240 of 2022

Moynoddin Mallick
VS
The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Mousumi Hazra
Ms. Payel Shome
..... for petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
..... for Madrasah Service Commission
Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
..... for the State

Affidavit of service filed in Court, is taken on record.

Ms. Gopa Biswas, learned advocate appearing for the petitioner referring to **Annexure P-2** to the writ petition submits that, the writ petitioner had qualified the **Sixth State Level Selection Test, 2013**. Referring to the guidelines for conducting **Teacher Eligibility Test (TET)** and specifically relying upon **clause 14** thereof, **Annexure P-3** to the writ petition she submits that, the writ petitioner had qualified the relevant **TET**, he is eligible to receive necessary certificate from the respondent authority. The petitioner claims that, such certificate was not available to the petitioner till date. Referring to **Annexure P-4** to the writ petition the learned advocate for the petitioner submitted that, the petitioner made necessary representation.

Mr. Prosenjit Mukherjee, learned counsel appearing for the respondent Nos. 2 and 3 submits that, he has not received any instruction whether **Annexure P-4** to the writ petition was at all submitted or not.

Be that as it may, the justice would be subserved if the respondent No. 3 is directed to deal with the issue and come to a reasoned conclusion thereupon.

Accordingly, the respondent No. 3 after verification of all the records and papers shall take a decision whether the petitioner is eligible to receive the said subject certificate in accordance with law, if the respondent No. 3 finds that, the petitioner is otherwise eligible in law, such certificate shall be issued by the respondent No. 3 to the petitioner forthwith.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 3 positively within a period of six weeks from the date of communication of this order.

In the event, the respondent No. 3 seeks for any assistance from the petitioner or from any other State authority such assistance should immediately be provided to the respondent No. 3 to come to his reasonable conclusion without any laches or delay.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioner in any

manner. This order shall also not create any equity in favour of the petitioner if the petitioner is not eligible to his claim strictly in accordance with law.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 8240 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)