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Ct-08

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MAT 808 of 2019

with

I.A No.CAN 4 of 2021

CAN 5 of 2021

CAN 6 of 2021

CAN 7 of 2021

CAN 8 of 2021

CAN 9 of 2021

CAN 10 of 2021

CAN 11 of 2021

CAN 12 of 2021

CAN 13 of 2022

CAN 14 of 2022

CAN 15 of 2022

The West Bengal Board of Primary Education & Anr.

Vs.

Binoy Kole & Ors.

Mr. Laxmi Gupta, Sr. Adv

Mr. Subir Sanyal

Mr. Dwarikanath Mukherjee

Mr. Ratul Biswas

... For the Appellant Board

Mr. Ekramul Bari

... For the Writ Petitioner/

Respondent no. 1

Mr. Amitesh Banerjee

Ms. Chaitali Bhattacharya

Mr. Kartik Chandra Kapas

... For the State

Mr. Sudipta Dasgupta

Mr. Bikram Banerjee

... For the applicant in

CAN 9 of 2021

Mr. Firdous Samim

Ms. Gopa Biswas

... For the applicants in

CAN 10 &11 of 2021

Mr. Chittapriya Ghosh

Mr. Somesh Ghosh

Mr. Komal Singh

... For the applicants in

CAN 8 &12 of 2021 &

CAN 14 &15 of 2022

It is submitted by Mr. Laxmi Gupta, learned
senior counsel, appearing on behalf of the Board

by producing proposal that issuance of TET-2014 certificate to those until they obtain the required training qualification, which would not serve any useful purpose to them and on the contrary, this will require the Board to undertake futile and fruitless exercise as post 31.03.2016 no appointment of untrained candidates is legally permissible under the changed rules.

Learned advocate appearing for the writ petitioner has, however, disputed the said contention of Mr. Gupta and submits that the said certificate could be used in other employment. However, the learned counsel is unable to show any rules in this regard or any institution where such certificate of an untrained candidate would be treated as valid for the purpose of getting appointment to same or similar post.

Under such circumstances, we accept the aforesaid proposal of Mr. Gupta submitted in court. However, we direct the Board to refund the application fees of all the applicants, who are unsuccessful in TET-2014, within four weeks from date and who are not desirous of obtaining teachers training in future.

For the purpose of carrying out the aforesaid process, the Board shall publish necessary notification in the Board's website as also in two vernacular newspapers and one English daily having wide circulation in the State of West Bengal within two weeks from date by giving all necessary particulars with regard to the application to be made for getting refund of the application fee. The Board shall also clearly indicate that the candidates who are desirous of obtaining teachers training certificate in future will not be entitled to get refund of the

application fee and on successful completion of training period would receive TET-2014 certificate.

Such exercise shall be restricted to the applicants, who deposited application fees for TET-2014.

In view of the above directions, the appeal being MAT 808 of 2019 is disposed of along with all connected applications appearing in today's list, namely, CAN 4 of 2021, CAN 5 of 2021, CAN 6 of 2021, CAN 7 of 2021, CAN 8 of 2021, CAN 10 of 2021, CAN 11 of 2021, CAN 12 of 2021, CAN 13 of 2022, CAN 14 of 2022 and CAN 15 of 2022.

The application for addition of party being CAN 9 of 2021 is allowed in view of disposal of the appeal.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)

