

Court No. 24
28.03.2022
(Item No. 33)
(AB)

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. 14790 of 2021

Faizan Arif & Ors.
VS
The State of West Bengal & Ors.

Mr. P. S. Deb Barman
Mr. M. Nazar Chowdhury
Mr. M. A. Salik
Mrs. Priyanka Saha
..... for the petitioners

Ms. Iti Dutta
..... For the State

Mr. Subir Sanyal
Mr. Ratul Biswas
..... For the Board

There are three petitioners in the present writ petition. All of them claim that they are TET qualified and trained candidates. They participated in the recruitment process but their names were not empanelled in the final merit list.

The report of the Secretary, West Bengal Board of Primary Education mentions that the petitioner No. 1, Faizan Arif claimed himself to be a Para-Teacher in the OBC-A (Urdu Medium category) which is reflected in the Admit Card. He has not been included in the State Wide merit list because his total merit score is 26.90 whereas the score of the last empanelled candidate of Para-Teacher OBC-A (Urdu Medium category) is 27.205.

Learned Counsel for the petitioners submits that the petitioner No. 1 never claimed to be in the Para-Teacher category. He is OBC-A category candidate but he

does not seek any benefit under the Para-Teacher category. It has been submitted that the marks obtained by the petitioner No. 1 is enough to be included in the merit list of General Category candidates.

As regards the petitioner Nos. 2 and 3, the report of the Board mentions that they remained absent on the date of scrutiny, verification and interview/aptitude test and accordingly, there is no question of them being included in the State Wide merit list.

Learned advocate for the petitioners submits that all the three petitioners appeared in the interview which was held at Bagbazar Multi Purpose Girls' High School under the surveillance of CCTV camera.

Learned advocate for the Board submits that it is not possible to readily verify whether the petitioners were at all present in the interview or not.

As the Board is unable to produce any records that the petitioners were actually absent in the scrutiny, verification and interview/aptitude test, accordingly, the Secretary of the Board is directed to conduct a re-interview/scrutiny/verification of the petitioner Nos. 2 and 3.

As regards the petitioner No. 1, if the marks obtained by him is enough to be included in the list of unreserved category candidates, then necessary steps shall be taken to de-categorize the petitioner from the Para-Teacher category to his respective caste/category. In the event the petitioner comes within the zone of consideration

and is eligible to be included in the final merit list, then necessary consequential steps shall be taken by the Secretary of the Board.

As regards the petitioner Nos. 2 and 3, if after the scrutiny, verification and interview/aptitude test to be conducted afresh, the petitioners come within the zone of consideration and are eligible to be included in the final merit list, then necessary consequential steps shall be taken by the Board.

Steps shall be taken in the matter at the earliest, but positively within a period of eight weeks from the date of communication of a copy of this order.

The writ petition stands disposed of.

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

(Amrita Sinha, J.)