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27.09.
2022
Ct. No.17

WPA 16277 of 2022

Sandip Mukherjee
Vs.
The State of W. B. & Ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Ms. Tannistha Bandopadhyay
Ms. Raju Bhattacharyya
Mr. Tanweer J. Mandal

.....For the Petitioner

Mr. Saikat Banerjee
Mr. Ratul Biswas

.....For the West Bengal Board of
Primary Education

In this matter the contention of the petitioner was that his name has been included in the list of 269 candidates who were given one mark illegally without any reason by the Board and thereby they qualified the TET and got appointments and subsequently by this court's order their appointments were cancelled, the petitioner did not get any such one mark and, therefore, he claimed that his service should not be terminated as he was wrongly put in the said list of 269 candidates.

After hearing the petitioner, I directed the West Bengal Board of Primary Education to file a report in the form of an affidavit, which has been filed today wherefrom it is found that no additional mark was awarded to the petitioner for qualifying in TET. Besides he appeared in the recruitment process of

2016-2017 as a trained candidate. It has further been stated in the said report of the Board that the petitioner has all requisite qualifications to be appointed as a primary school teacher in terms of the West Bengal Primary School Teacher Recruitment Rules, 2016. Therefore, it is evident that his name was included in the said list of 269 candidates wrongfully by the Board and his service should not be disturbed.

Therefore, I set aside the order of the Chairman of the District Primary School Council, Bankura bearing Memo No.1247 dated 14.06.2022 whereby the petitioner's service was terminated from Maitha Gopinathpur Primary School under Sadar North-II, Bankura and he shall continue to work in the said school. His service was never terminated. Therefore, there shall not be any break of service and the petitioner should be given the full monthly salary for the period for which it has not been paid to him because it is the fault of the West Bengal Board of Primary Education for which his service was terminated and the petitioner was not at fault.

I direct the Chairman of the District Primary School Council, Bankura and also the teacher-in-charge of the said Primary School to take steps forthwith so that the petitioner can join the school and take classes before the ensuing Puja Vacation.

With the above observation and direction this writ application is allowed.

(Abhijit Gangopadhyay, J.)