

13.07.2022
KC(43)

M.A.T. 1998 of 2017
The Chairman, Malda District Primary
School Council and Anr.
-versus-
Md. Rahamatul Alam and Ors.

Mr. Shamim Ul Bari.....For the appellants.

Mr. Kamalesh Bhattacharya,
Md. Yusuf Ali.....For the respondent
no. 1.

Mr. Tapan Kumar Mukherjee, Ld. AGP.,
Mr. Somnath Naskar.....For the State.

Malda District Primary School Council was conducting a recruitment process for appointment of primary school teachers. The respondent/writ petitioner applied under the O.B.C. category. He participated in a written examination.

It appears that the candidature of the respondent was not considered by the Council on the ground that there was discrepancy between the certificate issued to him by Bihar Vidyalaya Pariksha Samity, Patna in 1992 and the mark-sheet. 'Sikshak Prashikshan Pariksha' was printed on the certificate whereas 'Sikshak Prashikshan Vidyalaya Pariksha' appeared on the mark-sheet. No marks were awarded to him in respect of the certificate.

44.03 was the lowest mark obtained by an empanelled candidate in the O.B.C. category whereas

the respondent/writ petitioner obtained 39.39 marks.

On the above solitary ground the said respondent's certificate was not considered.

The learned single judge in the impugned judgment and order dated 17th November, 2016 observed that non-awarding of marks for the certificate "is completely arbitrary and erroneous". By the said impugned judgment and order the learned judge directed the competent authority to consider the certificate furnished by the respondent/writ petitioner and "award appropriate marks for the same within three weeks from the date of communication of this order". It was directed that after such marks are awarded, the respondent no. 3 in the writ application would have to consider the case of the writ petitioner by a reasoned order.

In our view, the impugned judgment and order is a perfectly well reasoned and balanced one. Findings of facts with regard to the validity of the certificate in question have been recorded in great detail. We find no reason to interfere with this judgment and order.

Malda District Primary School Council is to award marks in respect of the certificate of the respondent/writ petitioner by 22nd July, 2022 and then obtain approval of the State Government by 16th August, 2022. On the basis of the said marks, as approved, the Council will prepare a revised panel, if

necessary and forward the same to the Commissioner of Education, Government of West Bengal by 31st August, 2022.

This appeal (M.A.T. 1998 of 2017) is accordingly dismissed. We affirm the impugned judgment and order dated 17th November, 2016.

No order as to costs.

(I.P. MUKERJI, J.)

(SUBHENDU SAMANTA, J.)