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16.02.2022.
d.p.

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

**W.P.A 20283 of 2021
(Via Video Conference)**

**Basudha Sen Hazra
-versus
State of West Bengal & Ors.**

**Mr. Sankar Pal,
Mr. S. Imtiaz Ahmed,
Mr. Syed Murshid Alam.
...For the Petitioner.**

**Mr. Ratul Biswas.
...For the Board.**

Affidavit-of-service and the supplementary affidavit filed in Court today are taken on record.

The petitioner claims that even though she qualified in the TET 2014 examination she has become ineligible to participate in the recruitment process initiated by the West Bengal Board of Primary Education in November 2020 due to change in the eligibility criteria.

The petitioner submits that in the year 2014 when the TET examination was held she was a graduate and there was no requirement of obtaining 50% marks in graduation for being eligible to appear in the TET examination.

By a subsequent amendment, the minimum educational qualification for being eligible for

recruitment as primary school teacher has been amended and pursuant to the NCTE notification dated 28th June, 2018 obtaining 50% marks in graduation has been prescribed. She has less than 50% marks in graduation.

The petitioner is aggrieved by the same.

According to the petitioner, by way of incorporating the minimum percentage to be obtained in the graduation examination, the petitioner has become ineligible and cannot participate in the recruitment process.

The petitioner submits that as she was successful in the TET examination 2014, accordingly, she ought to be permitted to apply and liable to be treated as an eligible candidate to appear in the recruitment process initiated by the Board in the year 2020.

The aforesaid submission of the petitioner cannot be appreciated by the Court.

NCTE published the notification by amending the eligibility criteria on 28th June, 2018. The petitioner did not challenge the same.

The recruitment process was initiated by the Board way back in November 2020. The petitioner then also did not challenge the same.

After the selection process is nearly concluded, the petitioner has approached this Court praying for permission to participate in the recruitment process.

The eligibility criteria were amended by NCTE in 2018. There were other recruitment processes initiated by the Board prior to amendment of the eligibility criteria.

It is not clear whether the petitioner participated in the earlier recruitment process or not but fact remains that after the eligibility criteria has been amended, the petitioner is bound to abide by the same.

The prayer of the petitioner for permitting her to appear in the recruitment process cannot be accepted by the Court.

The writ petition fails and is hereby dismissed.

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.)