

S/L 10
17.08.2022
Court. No. 22
Sourav

WPA 21445 of 2016

Sentu Kumar Das
Vs.
The State of West Bengal & Ors.

Mr. Prahlad Chandra Ghosh
Mr. Subir Hazra

... for the Petitioner.

Mr. Milan Kumar Maity

... for the State.

Dr. Sutanu Patra
Ms. Supriya Dubey

...for SSC.

Mr. Kanailal Samanta

...for the Respondent Nos. 6 and 7.

This is a writ petition assailing a reasoned order dated May 2, 2016, “**Annexure P-10**” to the writ petition which was passed by the respondent no. 3, pursuant to a direction made by a co-ordinate Court dated December 22, 2015.

The petitioner contends that he has qualified the Teachers Eligibility Test (for short, TET 2011). The petitioner prays for relief that since he has qualified the TET, his candidature may be considered by the relevant State authority for necessary empanelment in terms of the necessary application already made by the petitioner with the requisite fees.

The learned Counsel appearing for the School Service Commission submits that the scope of the writ

petition is limited to the challenge of the said impugned order dated May 2, 2016 passed by the respondent no. 3. As such, this Court cannot travel beyond the scope of the said writ petition.

After hearing the learned Counsel appearing for the parties and on perusal of records, it appears to this Court that, the scope of challenge in the writ petition is very narrow and only to the extent of a challenge thrown as against the said impugned order dated May 2, 2016 passed by the respondent no. 3.

The relevant prayer in this regard from the writ petition is reproduced hereinbelow:

“a) A writ in the nature of Mandamus commanding the respondents not to give any effect and/or further effect to the impugned order passed by the District Inspector of Schools (SE), Malda and communication by Memo No.603/3 dated 02.05.2016 being annexure “P-10” and further commanding them to cancel the same forthwith;”

From a perusal of the supplementary affidavit affirmed on March 19, 2018 by the writ petitioner, it appears that the writ petitioner claims his candidature to be considered by the relevant authority in the light of his qualification in TET. Such contention of the writ petitioner in the supplementary affidavit, to the considered view of this Court, travels far away from

the scope of the writ petition. There cannot be any moulding of any relief even by exercising the equity jurisdiction of a writ court in the facts of this case. The moulding of relief cannot go beyond the scope of the writ petition. For moulding a relief in the writ petition, the amplification on the issue must be present in the writ petition. Such is not the case in the instant writ petition.

On a close scrutiny of the impugned order passed by the respondent no. 3 dated May 2, 2016, **“Annexure P-10”** to the writ petition, it appears to this Court that, the same is a speaking order and was passed upon consideration of all the relevant facts. This Court does not find any infirmity either on fact or on law in the said impugned order.

In view of the above, the said order passed by the respondent no. 3 dated May 2, 2016 is not interfered with and stands affirmed.

For those reasons, this writ petition being **WPA 21445 of 2016** stands dismissed without any costs.

It is, however, made clear that since the petitioner has qualified the TET and submitted his necessary application with requisite fees, such qualification of the petitioner will not suffer from any prejudice by this order.

(Aniruddha Roy, J.)