

WPA 26618 of 2017
IA No. CAN 1/2022

Loknath Modak
Vs.
The State of West Bengal & Ors.

Mr. Sunit Kr. Roy
Mr. Debasis Moitra

....for the Petitioner

Mr. Shamimul Bari

..for the DPSC, Malda

Mr. Ratul Biswas

...for the Board

Matter relates to appointment of the petitioner in the post of Assistant Teacher in Primary School in Malda. Pursuant to the notification dated 25/26 September, 2016 petitioner participated in the selection process as OBC-B Category candidate. Petitioner is also TET-2014 qualified candidate.

Petitioner was found eligible to be appointed after scrutiny/verification and interview as well as aptitude test as per rules as it can be ascertained from the relevant part of the report filed in the form of affidavit affirmed on 19th July, 2022 pursuant to the previous order passed by this Court on 1st July, 2022. In annexure R1 at page 4 to the said affidavit it has also been stated that confusion arose with regard to the category of the petitioner whether he has treated to be as OBC-B or unreserved candidate under exempted

category. In view of such confusion in spite of issuing appointment letter in favour of the petitioner on 13th February, 2017 and joining of the petitioner in the post of assistant teacher in Madantola Primary School, Manikchak circle District-Malda petitioner's appointment was withdrawn on 16th February, 2017 under memo no. 3561 (31) dated 16th February, 2017 issued by the District Primary School Council, Malda.

Today, by filing affidavit on behalf of the West Bengal Board or Primary Education it has been stated that in view of the fact that the petitioner appeared in the selection process as OBC-B Category candidate there should not be any confusion with regard to selection of the petitioner under the said category; therefore it is found by this Court that petitioner should be permitted to resume his service as assistant teacher in the aforesaid primary school immediately.

Accordingly, this Court directs the District Primary School Council Malda as well as the concerned authority of the West Bengal Board of Primary Education to permit the petitioner to resume his duty immediately as an assistant teacher in Madantola Primary School, Manikchak circle District-Malda and on resumption of his duty petitioner shall be entitled to get his salary and other service benefits in accordance with law.

If the post of assistant teacher against which petitioner was appointed in Madantola Primary School,

Manikchak circle District-Malda is no more lying vacant petitioner shall be accommodated in any other nearby primary school within Manikchak circle, District-Malda.

With the aforesaid direction writ petition as well as the connected application stand disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)