

21.10.2022
Sl. No.05
Ct. 29
Sayandeep

MAT 1724 of 2022
With
IA NO: CAN/1/2022
Md. Nwaj Sarif & Ors.
Vs.
The State of WestBengal & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Saptarsi Banerjee,
Mr. Kuntal Ray
...for the appellants.

Mr. Santanu Kr. Mitra
Mr. Sutanu Chakraborty
Mr. Sanatan Panja
...for the State.

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Sutirtha Nayak
.....for the intervenor
Mr. Saikat Banerjee
.....for the West Bengal
Board of Primary Education
Mr. Sauvik Nandy
.....for NCTE

The appellant is aggrieved as no interim order had been passed by the leaned Single Judge.

By the order impugned dated 17th October, 2022 passed in WPA 23261 of 2022, the learned Single Judge had directed the writ petition to be listed before the learned regular Bench on 3rd November, 2022. The learned Judge considered the fact that on an earlier occasion certain candidates who were pursuing D.El.Ed had been permitted by the Court to participate in the

recruitment process. It appears that the order was passed on the submission made on behalf of the West Bengal Board of Primary Education that the TET qualified candidates who were under going D.El.Ed training (session 2020-2022) and who had qualified in the D.El.Ed Part –I (Session 2020-2022) would be given an opportunity to apply in the recruitment process. It appears to us that in order to avoid conflicting decisions, the learned Single Judge passed the order dated October 17, 2022 allowing the petitioner/appellant to approach the regular Bench which had passed orders allowing candidates undergoing D.El.Ed. to participate in the recruitment process.

As it is specifically submitted by Mr. Saikat Banerjee, learned advocate appearing for the Board that the notification inviting application has not yet been published and the recruitment process is not likely to be completed before the returnable date, that is, 3rd November, 2022, this Court does not find any reason to interfere with the order impugned. The writ petition as made returnable shall be heard by the learned regular Bench. Liberty to mention for inclusion.

The appeal and application are disposed of accordingly.

In view of the above observations, CAN 1 of 2022 is also disposed of.

(Partha Sarathi Chatterjee, J.) (Shampa Sarkar, J.)