

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

The Hon'ble **JUSTICE BIBEK CHAUDHURI**

WPA 70 of 2022

Paresh Chandra Sen & Ors.

-Vs-

The State of West Bengal & Ors.

For the Petitioners: Ms. Supriya Singh, Adv.,
Mr. Bikramaditya Ghosh, Adv.

For the Respondent Nos. 2 and 3:
Mr. Debabrata Dhar, Adv.,
Ms. Paramita Sahu, Adv.

Heard on: January 7, 2022.

Judgment on: February 3, 2022.

BIBEK CHAUDHURI, J. : –

1. The writ petitions duly participated in the Teacher Eligibility Test (T.E.T) conducted in the year 2014 by the respondent No.1, the West Bengal Board of Primary Education. Though the examination was over, the respondents could not complete the recruitment process due to varied controversies and litigations filed by numerous candidates who appeared in the said examination of 2014. In course of such litigations, a Coordinate Bench of this Court passed an order in W.P No.12399(W) of 2018 along with series of other similar matters on 26th November, 2018

directing the Secretary, West Bengal Board of Primary Education to award 6 marks to the petitioner/petitioners who attempted the 6 wrong questions and gave answers contrary to the options mentioned in the key to the answers of J.G.B question booklet series. It was also directed that after awarding marks, if it is found that the petitioner/petitioners is/are otherwise eligible to give appointment to the post of Assistant Teacher/Teachers, other than the Secretary would take step to give appointment to them in accordance with law. The grievance of the present petitioners is that in the aforesaid writ petition this Court directed to give six marks to the candidates who attempted six questions the answers of which were wrongly recorded in the answer key of the question papers.

2. The case of the petitioners is that they are similarly placed with the writ petitioners of WP 12399 (W) of 2018 along with other writ petitions decided on 26th November, 2018. However, they could not file the writ petition previously as they reside in remote villages and were not aware of the development regarding appointment in T.E.T, 2014.

3. The petitioners also state that all of them attempted the said six questions and they are also entitled to get six marks. If the said six marks are added to their aggregate they would be held qualified in T.E.T, 2014. The petitioners further submit that on 25th October, 2021, the respondent authorities published a notification wherein other applicants who could not file their application online, but had applied through offline process, were allowed to appear for scrutiny/verification of document and interview/aptitude tests. It is further submitted by the petitioners that in

WPA 4008 of 2021 decided on 3rd September, 2021 and in WPA 20958 of 2021 decided on 29th December, 2021, the respondent authorities were directed to open a dedicated online portal on an from 31st December, 2021 for the purpose of facilitating receipt of application of the candidates who might be residing at distant places within the State of West Bengal or outside and are desirous of participating in the scrutiny/verification of documents and interview/aptitude tests. Under such circumstances, the petitioners have prayed for issuance of writ in the nature of mandamus commanding the respondent authorities to forthwith allow the petitioner to participate in the document verification/scrutinization exercise which has been notified. The petitioners have also prayed for a direction upon the respondent No.3 to award six marks for the six disputed questions as has been granted to other candidates in terms of the order passed by this Court in the above mentioned two writ petitions and after awarding such marks, if the petitioners are otherwise found to be eligible, an opportunity be granted to them for participating further in the recruitment process.

4. Since the last date of submission of online application was fixed on 7th January, 2022, the instant application was moved with the leave of the court dispensing with service of notice upon the respondents.

5. I have heard Mr. Ghosh, learned Advocate for the petitioners and Mr. Dhar, the learned Advocate for the respondent No.2 and 3. I have also perused the orders passed in the WPA 4008 of 2021 and WPA 20958 of 2021 passed by the Coordinate Benches of this Court.

6. It is not in dispute that the petitioners are similarly placed candidates like that of all other candidates who participated in T.E.T, 2014 and by virtue of an order passed by this court was awarded six marks added with the aggregate of the said candidates.

7. If the petitioners attempted the said questions, the answer key of which were wrongly recorded, they are also entitled to have six marks to be added with their aggregates.

8. If the petitioners are found to be eligible for the said six marks and after adding such marks with their aggregate, if they are found qualified, they shall be permitted to appear in the next process of scrutiny and verification followed by interview/aptitude test.

9. As the date of submission of online application is closed on 7th January, 2022, if the petitioners are found eligible, the respondents No.2 and 3 are directed to accept their application offline.

10. Entire process of scrutinization of O.M.R Sheets and the decision with regard to eligibility of having six more numbers for attempting six questions shall be completed within one month from the date of this order. The petitioners shall be permitted to file offline applications within 15 days from the date of communication of their aggregate marks after scrutiny by the respondent No.2 and 3.

11. The instant writ petition is, thus, disposed of.

(Bibek Chaudhuri, J.)