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07.03.2022.
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Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction

W.P.A. 752 of 2019
(via video conference)

Chinmoy Dey
-versus
The State of West Bengal & Ors.

Mr. Sanjib Dawn
Mr. Ajoy Kumar Singhanian ... For the petitioner

Mr. Subir Kumar Saha, Ld. AGP
Mr. Bikramaditya Ghosh ... For the State

Mr. Ratul Biswas
... For the W.B. Board of Primary Education

The grievance of the petitioner is that even though he qualified in TET, 2014 Examination and participated in the recruitment process initiated by the West Bengal Board of Primary Education in the year 2016, the respondent authorities did not issue any appointment letter in his favour.

It appears from documents annexed to the writ petition that the petitioner was permitted to appear in the counselling held on 2nd February, 2017. The petitioner was an untrained candidate at the relevant point of time. His appointment was withheld under the direction of the Chairman-cum-Secretary, District Primary School Council, Alipurduar seeking instruction from the West Bengal Board of Primary Education.

The Court on 11th November, 2019 heard this matter and directed the Commissioner of School Education to file a report on affidavit. The Court was pleased to pass an interim order

directing the respondent nos. 2, 6 and 7 to keep one vacancy alive in the provision of untrained teachers until further order.

Admittedly, the petitioner did not complete his training on the date the counselling took place, but thereafter, he has obtained the requisite training qualification. One post has already been kept vacant by the respondents in compliance of the direction passed by the Court.

The petitioner participated in the recruitment process but his appointment could not be confirmed awaiting communication from the West Bengal Board of Primary Education. Considerable period has elapsed in the meantime.

Accordingly, at this present stage, the instant writ petition is disposed of by directing the Secretary, West Bengal Board of Primary Education to revisit the issue at the earliest, but positively within a period of six weeks from the date of communication of a copy of this order and to issue letter of appointment in favour of the petitioner immediately thereafter, if it appears that the petitioner obtained marks higher than the last empanelled untrained candidate in the category in which the petitioner participated.

In the event, the Secretary of the Board is of the opinion that the petitioner is to be favoured with a letter of appointment, necessary consequential steps should be taken by the concerned respondent(s) within the time as specified hereinabove.

The writ petition stands disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties, after completion of all legal formalities.

(Amrita Sinha, J.)