

04 19.9.2023

Ct-08

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**FMA 1016 of 2022**

**with**

**I.A No. CAN 1 of 2022**

**Nandita Bera**

**Vs.**

**The State of West Bengal & Ors.**

Mr. Bhaskar Chandra Manna  
... For the Appellant

Mr. Subir Sanyal  
Mr. Ratul Biswas  
Mr. Kaushik Kumar Chowdhury  
... For the Board

Mr. Supriyo Chattopadhyay  
Ms. Sayantanee Chattopadhyay  
... For the State

1. We have heard the learned counsel appearing for the Board as well as the State.

2. We are in agreement with the submission made by the Board that in absence of any application made by the petitioner for appointment of primary teacher and the results that are available in the website, the appellant has no case. We could have expected that such documents to be on record in order to create a bona fide impression that the writ petitioner, in fact, had participated in any of the recruitment process initiated by the Board and entitled to the reliefs claimed in the writ petition.

3. In absence of any record to show that the petitioner/appellant participated in any of the recruitment process initiated by the Board after the result of the TET 2014 examination was

declared, we do not find any reason to interfere with the order passed by the learned Single Judge.

3. In view of the aforesaid order, FMA 1016 of 2022 stands dismissed.

4. In view of dismissal of the appeal nothing remains to be decided in the application for Stay being CAN 1 of 2022 and the same is accordingly dismissed.

5. However, there shall be no order as to costs.

6. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

**(Prasenjit Biswas, J.)**

**(Soumen Sen, J.)**

