

W.P.A. 11002 of 2018

**Subhadip Patra & Ors.
Vs.
The State of West Bengal & Ors.**

Mr. Ekramul Bari
Syed Mansur Ali
Ms. Tanuja Basak
....for the petitioners

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
....for the SSC

Petitioners participated in SLST for appointment in the post of assistant teacher in upper primary section of Government aided recognized schools. Petitioners have jointly claimed that though on the last date of submission of online applications offering their candidature they were not having training qualification, but before participation in the selection process they acquired training qualification as a result whereof the petitioners ought to have been considered as trained candidates. It has also been argued that the concerned authority of West Bengal Central School Service Commission is required to be directed to treat the petitioners as trained candidates to appraise the candidature of the petitioners for preparation of select list based on merit.

Such prayer made on behalf of the petitioners is opposed by Dr. Sutanu Kr. Patra, learned Counsel representing the Commission on the score that the issue

is no more *res integra* in view of judgment delivered by the Hon'ble Justice Moushumi Bhattacharya dated 11th December, 2020 on a batch of writ petitions. In the said judgment the coordinate Bench had considered the issue of treating the candidates as trained or untrained based on third proviso to Rule 4 (1) and it has been accordingly held that uniform system has to be introduced in terms of the aforesaid relevant rules.

This Court has considered the submissions made on behalf of the respective parties and has perused the judgment of the coordinate Bench dated 11th December, 2020. Considering the relevant Recruitment Rules as well as the judgment of the coordinate Bench dated 11th December, 2020 the prayer made by the petitioners in the present writ petition for treating them as trained candidates irrespective of date of acquiring training qualification (even after the last date of submission of online application) cannot be acceded to and accordingly the writ petition stands dismissed.

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.)