

Court No. 22
31.01.2023
(Item No. 62)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 13007 of 2022

Md. Abdul Mozid Biswas
VS
The State of West Bengal & Ors.

Mr. S. N. Arefin
Mr. Partha Chakraborty
.... For the petitioner
Mr. Arindam Chattopdhyay
Ms. Lipika Chatterjee
.... For the State

This is an assigned matter.

Affidavit of service filed in Court today, is taken on record pursuant to the direction made by this Court on January 18, 2023.

Mr. S. N. Arefin, learned advocate appears for the petitioner.

Mr. Arindam Chattopadhyay, learned advocate appears for the respondent No. 1.

Despite notice rest of the respondents are not represented.

91 numbers of individual writ petitioners filed a previous writ petition being **WPA 2381 of 2022** which was disposed of by directing the respondent State authorities to carry out certain things in certain manner as would be available from order of disposal dated February 24, 2022. The present writ petitioner was one of such member writ petitioner in the said team of 91 numbers of writ petitioners.

The petitioner applied for participating in the recruitment process of Primary School Teachers held in 2016 initiated by the West Bengal Board of Primary Education. The petitioner had qualified the **Teachers' Eligibility Test (TET)**. However, inter alia, the name of this petitioner had featured erroneously in the category of **"Para Teacher"**. In the said previous writ petition direction was made by a co-ordinate bench to place the petitioner in the correct category and the co-ordinate bench had observed as follows:

"In view of the said submission, the Board is directed to take all necessary steps for treating the petitioners in accordance with their respective castes without extending the benefit of reservation meant for para teachers.

Step shall be taken for de-categorization of the petitioners in accordance with the recruitment rules at the earliest, but positively within a period of three months from the date of communication of a copy of this order."

The petitioner in the instant writ petition claimed that the said direction of the co-ordinate bench had not been carried out till date, despite representation being made by the petitioner dated **April 25, 2022, Annexure P-5** at **page 47** to the writ petition. The State respondents neither carried out the said direction of the co-ordinate bench nor did it consider the said representation of the petitioner.

Learned counsel for the appearing parties had confirmed that no appeal was carried out from the

said order dated **February 24, 2022** and the State had also issued the necessary notification dated **April 11, 2022** at **page 45** to the writ petition for carrying out the said direction of the co-ordinate bench.

In view of the above, to sub-serve justice, respondent No. 3 is directed to carry out the direction of the co-ordinate bench dated **February 24, 2022** as would be evident from the order at **page 42** to the writ petition positively within a period of four weeks from the date of communication of this order.

After carrying out the direction of the co-ordinate bench as mentioned above, the respondent Nos. 2 and 3 shall communicate the same to the petitioner forthwith positively within a period of one week from the date of causing de-categorization as directed by the co-ordinate bench. The fresh panel shall accordingly be prepared showing the position of the petitioner strictly in terms of his merit and in accordance with law and the petitioner shall also be informed as to the same in the like manner as directed above.

In the event, any formalities are required to be carried out by the petitioner, the respondent No. 3 shall inform the same to the petitioner forthwith and upon compliance of such formalities all consequential steps should be taken.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 13007 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)