

12.06.2023
Item No.02
Court No.18
AJ.

W.P.A. 13363 of 2023

Saddam Hussain & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Vishak Bhattacharya,
Ms. Ruchira Chatterjee,
Ms. Biyanka Bhattacharya.
.....for the petitioner.

Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Suman Dey.
.....for the State.

Mr. Prasenjit Mukherjee,
Ms. Madhurima Sarkar.
.....for the W.B.M.S.C.

Mr. Sauvik Nandy.
....for the N.C.T.E.

Affidavit of service filed by the petitioner be kept with
the record.

The West Bengal Madrasah Service Commission, the
respondent no. 2 herein by the Memo bearing no.
MSC/Notice/03/2023 dated May 04, 2023 has notified 7th State
Level Selection Test (Assistant Teacher), 2023 [7th SLST (AT),
2023] for recruitment of Assistant Teachers in Classes IX-X
and Classes XI-XII in respect of 1729 tentative vacancies.

The Commission has fixed 50% marks in aggregate at
graduation level as the eligibility criteria for the said selection
test.

The petitioners are challenging the said criteria on the
ground that they have 50% marks in their Honors subjects at
the graduation level, as such, are entitled to participate in the
said selection process.

Mr. Mukherjee, learned Counsel for the Commission
submits that the Commission following the NCTE guidelines,
has fixed 50% marks in graduation on aggregate marks of
Honours + Pass subjects.

Mr. Nandy, learned Counsel for the N.C.T.E., the respondent no.4 herein, submits that the guideline of the N.C.T.E. is 50% marks in bachelor's degree, which means 50% marks in aggregate i.e. 50% marks in Honor's subject + Pass subjects.

Mr. Bhattacharya, learned Advocate for the petitioners submits that the Universities recognized by the N.C.T.E. has fixed 50% marks in Honors subjects at graduation level as the eligibility criteria to get admission in the B.Ed. course and the petitioners have completed their said course from such universities, therefore, a separate criteria cannot be fixed for the present selection test.

I have heard learned Counsel for the parties and have perused the materials-on-record.

The eligibility criteria for the 7th SLST (AT), 2023 cannot be faulted as the Commission has fixed the said criteria as per the guidelines of the NCTE, the petitioners are admittedly lacking in such criteria, as such, are not entitled to participate in the said selection test.

W.P.A. 13363 of 2023, for the aforesaid reason, fails and is accordingly dismissed. There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)