

Court No. 17

WPA 17069 of 2022

03.04.2023

Mousumi Ghosh

(A 2)

Vs.

The State of West Bengal & Ors.

(S. Banerjee)

Mr. Rabiul Islam

Mr. Raju Mondal

... for the petitioner

Mr. Aurobindo Chatterjee, Sr. Advocate

Mr. Bhaskar Prasad Vaisya

Mr. Pinaki Bhattacharya

... for the DPSC, North 24 Parganas

Mr. Supriyo Chattopadhyay

Mr. Suman Dey

... for the State

It is admitted position that the petitioner applied for the post of Assistant Teacher in Primary Schools under District Primary School Council, North 24 Parganas. This was 2009 recruitment test but the appointments were given in 2021. It is also an admitted position that the petitioner got 22.32 marks whereas the last person who was appointed got 28.28 marks which is the cut-off marks. As the petitioner has got marks less than the cut-off marks, she cannot claim any appointment.

However, It has been submitted that the concerned DPSC has already written to the government for lowering down the cut-off marks so that the persons who have got lower marks than 28.28 can be accommodated because vacancies are there and

candidate are also there though they have got lesser marks than the cut-off marks.

Therefore, for filling up the vacancies, the DPSC has written to the government and the concerned officer of the government, being the Commissioner of School Education, is required to take a decision in this regard. If any such decision is taken by the Commissioner of School Education, in that event the petitioner's case should also be considered by the DPSC if she comes within the zone of consideration after lowering down of marks.

Learned advocate for the State has submitted that it is not possible for the government to lower down the cut-off marks now because everything is completed.

However, I direct the concerned officer of the government to give a reply to the DPSC in respect of their application made to the Commissioner of School Education.

With the above observations, this writ application is disposed of.

On 21.09.2022, an interim order was passed restraining the DPSC to fill up any post without the leave of the court till the matter is disposed of. Now as the matter has been disposed of, the appointments can be given as the restraining order is vacated.

(Abhijit Gangopadhyay, J.)