

Item-17. 28-07-2023

MAT 1360 of 2023
CAN 1 of 2023
CAN 2 of 2023

sg Ct. 8

Saddam Hossain & Ors.
Versus
Dulal Sk. & Ors.

Mr. Subir Sanyal, Adv.
Mr. Piush Chaturvedi, Adv.
Mr. Chitta Priya Ghosh, Adv.
Mr. Soumesh Ghosh, Adv.

...for the appellants

Mr. Samim Ahammed, Adv.
Mr. Sudipta Dasgupta, Adv.
Mr. Bikram Banerjee, Adv.
Mr. Ambiya Khatun, Adv.
Ms. Gul Sanwara Parvin, Adv.
Mr. Sagar Dey, Adv.
Ms. Sagarika Goswami, Adv.
Ms. Shalini Ghosh, Adv.

...for the writ petitioner

Mr. L.K. Gupta, Sr. Adv.
Mr. Saikat Banerjee, Adv.
Mr. Ratul Biswas, Adv.
Mr. Kaushik Chawdhury, Adv.

...for W.B.B.P.E.

The affidavit of service filed in Court is taken on record.

The applicants are claiming to be TET pass having two years D.El.Ed qualified candidates. They claimed that they are eligible to be recruited and appointed in the vacancies for the post of Assistant Teachers in Government Aided/Sponsored/Junior Basic Primary School.

The learned Counsel for the petitioner refers to the order passed by the Hon'ble Division Bench on 13th April, 2023 and submits that it was not permissible to reopen the entire selection process with a view to revise the recruitment process of 2022.

Mr. Subir Sanyal, learned Counsel for the applicants has submitted that the said direction was passed by not taking into

consideration the candidates like the present petitioners who are eligible under 2022 recruitment process. It is submitted that the order impugned is going to affect their right for being considered for the said posts. It is further submitted that it was not a case of granting of six marks against six wrong questions and answer keys of the Teacher Eligibility Test (TET) 2014 examination conducted by the Board rather the case before the learned Single Judge relates to TET 2014 qualified candidates who applied and appeared in the selection process, 2016 and on being unsuccessful, came before the Hon'ble Court alleging illegalities and irregularities committed by the Board.

Mr. Bikram Banerjee, learned Advocate representing the writ petitioner has submitted that they can be added as party respondent in this writ petition.

However, prima facie, it appears that the challenge before the learned Single Judge was with regard to wrongful exclusion of the writ petitioners due to wrong marking because of wrong key answers. This issue is now being considered by the learned Single Judge. It cannot be said, at this stage, that the order likely to be passed by the learned Single Judge is not going to affect their rights. They claimed to be successful candidates.

However, assuming that they have a genuine apprehension that their candidatures, in spite of qualification, are likely to be affected, we permit the applicants to file an application before the learned Single Judge espousing their apprehensions and pray for suitable modification of the order, if so advised. All points raised are kept open and can be raised before the learned Single Judge.

With this observation, the appeal and the applications stand disposed of.

We make it clear that we have not gone into the grievance of the applicants considering the fact that the matter has not been finally decided by the learned Single Judge and we are sure that their grievance, if any, shall be properly taken care of by the learned Single Judge in deciding the matter.

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

(Uday Kumar, J.)

(Soumen Sen, J.)