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08.02.
2023
Ct. No.17

WPA 18245 of 2022

**Amit Paul
Vs
The State of West Bengal & Ors.**

**Syed Mansur Ali
Sk. Imtiaj Uddin
.....For the Petitioner
Mr. B. P. Vaisya
Mr. Pinaki Bhattacharyya
.....For the D. P. S. C., North 24 Pgs.
Mr. Pinaki Dhole
Mr. Avishek Prasad
.....For the State**

The petitioner's result was withheld, as he could not produce his OBC certificate at the time of production of papers before the District Primary School Council in the year 2010. At that point of time though the brother of the petitioner had one OBC certificate, the petitioner did not have it. The petitioner produced his brother's OBC certificate to impress the concerned authority. As his brother was declared as an OBC category person, he also should be considered as an OBC category candidate. This was not accepted by the said D.P.S.C. However, the petitioner moved this writ application with his own OBC certificate issued on 30.12.2011 which is at Annexure 'P-1' of the writ application.

I hold that when the petitioner has been declared as OBC candidate in 2011 and when his

brother was declared before that, there is no doubt that the petitioner was also an OBC candidate in 2010 when he could not produce his OBC certificate.

I direct that the result, which was withheld, should be declared and if the petitioner is a successful candidate, appropriate steps should be taken by the Council for giving him appointment.

The petitioner submits that his name is there in the panel as a successful candidate with remark 'RW'. Only the remark is to be removed.

The concerned Council is directed to take necessary steps so that the petitioner before this court is not deprived from his service.

Learned advocate for the D. P. S. C. submits that there is an interim order of this court not to give appointment to any person without the leave of this court.

Considering such submission I grant the D. P. S. C. the leave to appoint this petitioner in the post of assistant teacher in any primary school. The interim order passed in the other matter will continue and there shall be no modification despite passing of this order. If the order of Commissioner of School Education is required for giving appointment to the petitioner, this is to be obtained by two weeks from date by the said Council.

The entire exercise to give appointment to

the petitioner is to be completed by six weeks from date.

The writ application is allowed.

(Abhijit Gangopadhyay, J.)