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Ct-08

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FMA 228 of 2022

with
I.A No. CAN 1 of 2021

Md. Shoeb
Vs.
State of West Bengal & Ors.

Mr. Shahan Shah
Mr. Jakir Hossain
... For the Appellant

Mr. Ratul Biswas
...For the W.B.B.S.E

Mr. Nilay Barman Mandal
... For the D.P.S.C

Mr. Bhaskar Prasad Vaisya
... For the State

1. By consent of the parties the appeal and the application are taken up together and disposed of by this common order.

2. The written instruction produced by the Deputy Secretary, West Bengal Board of Primary Education for consideration is taken on record.

3. It appears that the Deputy Secretary has stated that the petitioner is TET-2014 qualified candidate and applied for 2020 recruitment process but his candidature was rejected due to overage factor as on 01.01.2020. He obtained OBC-A certificate on 22.9.2016. In fact, in the 2020 recruitment process he should have been considered in view of OBC-A certificate the petitioner obtained in the mean time. In view of

OBC-A certificate he is entitled to age relaxation for the 2020 recruitment process.

4. The Board has categorically stated that the Board has no objection to allow him to participate in 2020 selection process as an OBC-A category candidate, subject to the fulfillment of all other criteria.

5. The Board shall allow the writ petitioner/appellant to participate in 2020 selection process as an OBC-A category candidate, subject to the fulfillment of all other criteria.

6. Under such circumstances, the appeal is allowed. The impugned order is set aside.

7. In view of the aforesaid order, the appeal being FMA 228 of 2022 is accordingly disposed of.

8. In view of disposal of the appeal nothing remains to be decided in the stay application being CAN 1 of 2021 and the same are accordingly disposed of.

12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

