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MAT 1512 of 2023
with
I.A No. CAN 1 of 2023

West Bengal Board of
Primary Education and Anr.
Vs.
Moumi Mukherjee & Ors.

with

MAT 1513 of 2023
with
I.A No. CAN 1 of 2023

West Bengal Board of
Primary Education and Anr.
Vs.
Supti Ghosh & Ors.

Mr. Subir Sanyal, Sr. Adv
Mr. Saikat Banerjee
Mr. Kaushik Chowdhury
... For the Appellants
in both the Appeals

Mr. Sudipta Dasgupta
Mr. Bikram Banerjee
Mr. Arka Nand
Ms. Dipa Acharyya
Mr. Saikat Sutradhar
Ms. Saptaparna Raha
... For the Respondents/
Writ Petitioners
in both the Appeals

Mr. Sirsanya Bandyopadhyay
... For the State Respondent no.169
In MAT 1512 of 2023

Mr. Arjun Roy Mukherjee
Ms. Tapati Samanta
... For the State Respondent no. 306
In MAT 1513 of 2023

1. By consent of the parties the appeals are
taken up together as both the appeals
involved common question of law and facts

and disposed of by this common order.

2. We have heard the learned counsel appearing for the parties.

3. In view of the order passed in MAT 1594 of 2018 on 13th April, 2023 the petitioners are required to be considered for awarding 6(six) marks to the aforesaid extent. We do not find any infirmity in the impugned order to the aforesaid extent.

4. On the prayer of Mr. Subir Sanyal, learned counsel representing the Board, we extend the time to complete the process within three months from date. It should be done for all candidates. The said direction is peremptory.

5. With regard to the other directions passed by the learned Single Judge, we have been informed by Mr. Sudipta Dasgupta, learned counsel representing the respondents/writ petitioners, that the entire 2022 Recruitment Process has been stayed. In view thereof, no further progress could be made in the writ petition until the matter is finally decided by the Hon'ble Supreme Court. However, the direction with regard to filing of affidavit by the Board as directed in MAT 1362 of 2023 (West Bengal Board of Primary Education Vs. Dulal Sk. & Ors.) passed on 28th July, 2023 shall be carried

out. For the sake of clarity we produce the relevant observation in this regard:-

“The claim for appointment against the recruitment process of 2016 or for the subsequent period would be dependent upon the situation to be disclosed by the Board in the affidavit to be filed and only thereafter a decision to that effect could be taken upon taking into consideration the order passed by the Hon’ble Division Bench on April 13, 2023. However, for the time being the candidature 2023:CHC-AS:42850-DB 4 may be processed. Any direction to the writ petitioner to get an appointment would be premature as we are not aware whether he was successful in the process of selection. This also depends upon the steps already taken by the Board so far or already in the process of being taken by the Board in respect of TET, 2014 as on 13th April, 2023 which is a matter to be taken into consideration by the learned Single Judge in deciding the claim of the writ petitioner.”

6. The Board shall file affidavit clarifying the position within three weeks from before the learned Single Judge. Reply thereto, if any, be filed within one week thereafter.

7. Learned Single Judge shall decide the

matter upon taking into consideration the affidavits to be filed and in terms of MAT 1362 of 2023 passed on 28th July, 2023.

8. The direction with regard to interview and aptitude test are accordingly set aside.

9. Both the appeals being MAT 1512 of 2023 and MAT 1513 of 2023 are partly allowed.

12. In view of the aforesaid order, both the appeals stand disposed of.

13. In view of disposal of both the appeals the applications being CAN 1 of 2023 in connection with MAT 1512 of 2023 and CAN 1 of 2023 in connection with MAT 1513 of 2023 are accordingly disposed of.

14. There will be, however, no order as to costs.

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

(Uday Kumar, J.)

(Soumen Sen, J.)

