

01. 03. 2023

BP
Sl. 59
Court No. 17

WPA 24196 of 2022

Mukul Shaikh
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Ali Ahsan Alamgir
Ms. Soma Mal
..for the petitioner

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Koushik Chowdhury
..for the Board

The petitioner wants to participate in the recruitment process by declaring him TET 2017 qualified candidate.

In fact he is not a qualified candidate of TET 2017. He participated in TET 2017 as a general category candidate. The last date of submission of TET 2017 Form was 29.10.2017.

The petitioner obtained one certificate of OBC on 05.03.2020 (vide page 39 of the writ application).

Therefore at the time of filling up the Form the petitioner did not have OBC certificate. The petitioner submits that the result was published on 31.01.2022 when he had that OBC certificate.

If he were a qualified candidate in TET 2017 as a general category candidate subsequently he could claim

that he was to be considered as an OBC candidate. But here he is a candidate who did not qualify in TET 2017. Now giving effect to this OBC certificate means giving him benefits one after another. He has to be declared as qualified in TET as reserved category candidates get the benefit of 5% marks relaxation and thereafter he has to be given advantage in the selection process next to 2017 TET. Had he been a qualified candidate in TET the question of his category could be considered but as he is not a qualified candidate in TET his category cannot be considered at this stage.

He also did not intimate the authority being the West Bengal Board of Primary Education that he is actually an OBC candidate who would submit his OBC certificate or a later state.

Therefore I am of the view that he is now trying to take a chance of first qualifying in TET and then getting advantage of reserved category candidate on the basis of the certificate which he did not have even on the last date of submission of on-line application i.e. on 29.10.2017. Therefore, this writ application is not entertained and the same is dismissed.

(Abhijit Gangopadhyay, J.)

