

08.06.2023

Item No.14

Court No.18

AJ.

W.P.A. 24307 of 2022

Maliha Khatoon

-Vs-

The State of West Bengal & Ors.

Mr. Pratim Mukherjee,

Mr. Ali Ahsan Alamgir,

Ms. Soma Pal,

Ms. June Modak.

.....for the petitioner.

Mr. Sanjib Das.

.....for the State.

Dr. Sutanu Kumar Patra,

Ms. Supriya Dubey.

....for the WBCSSC.

The petitioner participated in the 1st State Level Selection Test for recruitment of Assistant Teachers, 2016 in Upper Primary level) in Government Aided/ Sponsored Schools (except hill region) for the subject of Mathematics and Science under OBC-A category.

The petitioner was not called for personality test as she had partially uploaded her training qualification.

In terms of the order dated July 09, 2021 passed in W.P.A. 10789 of 2021, the petitioner was given the opportunity to participate in the grievance hearing.

The Commission by its order dated October 04, 2021 passed in the said grievance hearing, has rejected the prayer of the

petitioner to allow her to appear in the said personality test, the said order is under challenge in the present writ petition.

For ready reference, the said order is quoted below:-

“Heard the petitioner, perused all the documents and found that she has partially uploaded the documents during online verification in January, 2021 and WBCSSC did not contact her as her declaration and her total score in SLST is 67.7300 which is above the cut off marks.

Hence Secretary WBCSSC is requested to allow her in the interview as her total marks in SLST is above the out off marks and she has partially uploaded the document and all the testimonials are being verified.

Only basic details, but no academic records uploaded. Hence rejected”

Mr. Mukherjee, learned Counsel for the petitioner submits that the conclusion of the order under challenge is not agreeing with the findings.

Mr. Mukherjee further submits that the petitioner has diploma in Elementary Education (D.EL.ED.), he draws my attention to the photocopy of the certificate issued by the National Council for Teacher Education annexed with the writ petition.

The petitioner has the requisite diploma in Elementary Education and has partially uploaded her such training qualification in her online application form. In the order impugned,

the Secretary of the Commission was requested to allow her to participate in the interview.

That being the position, the Commission is directed to consider the petitioner as a trained candidate and to take consequential steps in accordance with law.

This order is passed in view of the particular facts and circumstances of the present case and it shall not be treated as a precedent.

W.P.A. 24307 of 2022 is disposed of with the above terms without any order as to costs.

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

(Biswajit Basu, J.)