

Court No. 17

WPA 24423 of 2022

24.04.2023

(AD 50)

(S. Banerjee)

Sudipta Mukherjee

Vs.

The State of West Bengal & Ors.

Mr. Shyamal Kumar Das
Mr. Prasanta Kumar Banerjee
Ms. Indrani Nandi

... for the petitioner

Mr. Santanu Kumar Mitra
Ms. Anandamoyi Ghosh

... for the State

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... for the WBBSE

The petitioner appeared in the selection test of 2012 when he was below the required age. In the selection test he became successful but he has not been given appointment because of his age. The petitioner here has prayed for his absorption as an Assistant Teacher which I cannot accept because first, it will change the rule for which I am not competent, and secondly, the other below-aged candidates could have participated in the selection process had it been known to them that their case would also be considered either by the Board and if not by the Board then by the Court.

If the prayer of the petitioner is entertained, such candidates would be deprived. Moreover, the rule for age will be breached by this court.

Therefore, despite showing the judgement reported in (1993(2) SCC 611 (Ashok Kumar Sharma & Anr. -Vs.- Chandra Sekhar & Anr.)), I cannot pass any order in favour of the petitioner.

Therefore, this application is not entertained and dismissed.

Interim order granted earlier is vacated.

(Abhijit Gangopadhyay, J.)