

03.05.2024.
Court No.13
Item No. 333
ap

W.P.A. No. 438 of 2021

**Kartick Chandra Khan
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury,
Mr. B. B. Bera.

...For the petitioner.

Mr. Mrinal Kanti Ghosh.

...For the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.

...For the WBBPE.

1. The petitioner is working as Para Teacher since the year 2007 in the Upper Primary Section under the West Bengal Board of Secondary Education.
2. The petitioner participated in the recruitment process to the post of Assistant Teacher conducted by the West Bengal Board of Primary Education in the year 2020. He was 44 years of age at the relevant point of time.
3. Admittedly 10% of the vacancies in the recruitment process were reserved for eligible Para Teachers.
4. Hence, the petitioner who was 44 years of age at the relevant point of time was entitled to relaxation in the upper age limit of 40 years prescribed in the recruitment notice. The relaxation is given only upto the age of 50 years.

5. Counsel for the petitioner submits that since his client was 44 years at the time of recruitment process, he was entitled to be considered for recruitment and his case could not have been rejected.

6. Admittedly, the petitioner was a Para Teacher in the Upper Primary Section under the State.

7. A Division Bench of this Court by a judgment and order dated 16th August, 2023 passed in M.A.T. No. 2023 of 2022 (Biplab Thakur & Ors. – Vs. – Parimal Mahato & Ors.) has held in paragraph 35 that a Para Teacher in a Upper Primary Section of the State is entitled to participate in the recruitment processes only to the post of Assistant Teacher in the Upper Primary Section.

8. Since the recruitment process in question was for the posts of Primary Teachers in the Primary Section, the writ petitioner was not eligible to participate in the recruitment process.

9. Hence, no relief can, therefore, be granted to the writ petitioner in this writ petition.

10. The instant writ petition must fail and is hereby dismissed.

11. There will be no order as to costs.

12. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

