

11.06.2024
Court No. 13
Item No. 60
AP

WPA 2676 of 2024

**Sunando Das
Vs.
The State of West Bengal and Ors.**

Mr. Debayan Ghosh
Ms. Poulami Bose

.... For the Petitioner.

Mr. Sirsanya Bandopadhyay
Mr. Ritesh Kr. Ganguly

.... For the State.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

.... For the WBBPE.

1. The petitioner seeks participation in the recruitment process of 2020 for the post of Assistant Teacher published by the West Bengal Board of Primary Education. The petitioner claims that since he had qualified in the TET 2014 and the candidates with such qualification were permitted to participate in the recruitment process of 2020, age of candidates should be suitably and appropriately relaxed. The petitioner's application was not accepted for the 2020 recruitment process since he had crossed the age of 40.

2. The petitioner relies upon the Rules of West Bengal Primary School Teachers Recruitment Rules, 2016 particularly Note 7 of Clause 3 to Rule 6. Based on the above, the petitioner submits that where relaxation has

been allowed in age to Para-teachers, a similar relaxation ought to be allowed to the petitioner.

3. It is now well-settled that the terms and conditions of recruitment including the age limit is within the domain of the State and/or its instrumentalities. The age bar in particular is also in the domain of the recruiting authority.

4. This Court sees no arbitrariness in fixing of the age bar. Note 7 of Clause 3 to Rule 6 is a relaxation for in-service Para-teachers and the petitioner cannot claim benefit of the same.

5. In the above circumstances, no relief can be granted to the petitioner.

6. The writ petition fails and hereby dismissed.

7. There shall be no order as to costs.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)