

24.06.2024.
Court No.13
Item No. 25
pk

W.P.A. No. 6326 of 2023

**Rafique Biswas
Versus
State of West Bengal & Ors.**

Mr. Dipankar Mandal
Md. Yusuf Ali

...For the petitioner.

Mr. Avishek Prasad.

...For the DPSC, Malda.

Mr. Kausik Chowdhury

... For the WBBPE

Mr. Supriyo Chattopadhyay .. Ld. A.G.P.
Mr. Gourav Das

...For the State.

1. The writ petitioner participated in the recruitment process conducted by the DPSC, Malda in the year 2016. Examination whereof was held in the year 2009. By an order dated 23.09.2013 passed by the DPSC, Malda, the petitioner was found having lower marks than the last candidate in the General category. The writ petitioner challenged the said order in WP 15975(W) of 2014.

2. By an order dated 08.06.2015 a coordinate Bench held that petitioner's six months training qualification from the Indira Gndhi National Open University (IGNOU) is not a valid qualification for teaching in primary schools in the State.

3. Counsel for the petitioner now relies upon a decision of the Supreme Court in the case of **Ahina Khatun vs. Birbhum DPS and others** dated

24.01.2019 passed in Civil Appeal 1971 of 2019 arising out of S.L.P. (C) 29513 of 2016 stating that if a training qualification is recognized by the State, the same shall be recognized by the concerned DPSC. Given the orders of the DPSC of the year 2013 (Supra) and the order of the Coordinate Bench dated 08.06.2015 (Supra), the question of application of the decision of the Supreme Court does not and cannot arise in the facts of the case.

4. This petition fails and is hereby dismissed.

5. There will be no order as to costs.

6. 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.)