

24.06.2024.
Court No.13
Item No. 26
ap

W.P.A. No. 8217 of 2023
Rajkumar Pahar
Versus
The State of West Bengal & Ors.

Mr. Bikram Banerjee,
Mr. Chhandak Dutta,
Ms. Sagarika Goswami.

...For the petitioner.

Mr. Amitava Chaudhuri,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.

...For the WBBPE.

Mr. Ranjan Saha.

...For the DPSC, Paschim Medinipur.

1. This Court notes several inconsistencies in the report of the West Bengal Board of Primary Education.
2. The report of the District Primary School Council, Paschim Medinipur is not satisfactory either.
3. Counsel for the West Bengal Board of Primary Education has raised objections about the stand taken by the Counsel for the District Primary School Council, Paschim Medinipur and vice versa.
4. What is clear to this Court is that the petitioner must be deemed to have been qualified in the list of 15284 candidates published on 15th February, 2021. Although his name did not feature therein, the petitioner featured in the second list published by the Board for 738 candidates. Those 738 candidates are stated to be those who were awarded additional six marks. If the petitioner had already qualified without

such addition, it is not understood why the petitioner's name featured in the list of those 738 candidates.

5. Be that as it may, this Court notes that there was a practice of sending electronic mails to successful candidates asking them to come for counseling as on 2017.

6. While the Counsel for the Board vehemently denies that there was any such practice, counsel for the District Primary School Council, Paschim Medinipur relies upon certain electronic mails sent in the year 2017. It is however not known at whose instance the electronic mails were sent. He, however, submits that all candidates recommended to the DPSC, Paschim Medinipur, except the petitioner appeared for counseling and have been appointed and are working since 2022.

7. The petitioner says that he was never notified in any form, namely, electronic mail, whatsapp, SMS etc. Had he been notified, he would have definitely appeared in the counseling process.

8. This Court is surprised to note that the Board published the names of 738 candidates on 25th March, 2022 and sent the same to the District Primary School Council, Paschim Medinipur. The counseling/interview of every other candidate than the petitioner was conducted on the very next date. It is not known as to how the candidates were notified or came to know of their names featuring in the list. It is equally

surprising to notice that 738 candidates were all counselled on one day.

9. This Court is of the view that the controversy must be put to rest without casting any aspersions either on the Board or the District Primary School Council, Paschim Medinipur.

10. The petitioner was admittedly qualified in the recruitment process of the year 2020. He shall, therefore, be entitled to appointment upon satisfactory production of his credential and documents.

11. Let the petitioner visit the Chairman, District Primary School Council, Paschim Medinipur on 27th June, 2024 at 2:00 P.M.

12. Upon verification of his credentials, the District Primary School Council, Paschim Medinipur upon being satisfied, shall issue an appointment letter to the petitioner. His appointment shall be effective from the date he joins his post.

13. His appointment shall be notionally effective from the date when other candidates joined after counseling on 25th March, 2022. He shall not be entitled to any financial benefits from 2022 till the date of his joining. His financial benefits shall be made available to him from the date of actual working. The length of his service will be reckoned from 25th March 2022.

14. With the aforesaid observations, the instant writ petition shall stand disposed of.

15. There will be no order as to costs.

16. 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.)