

ML 201
29.08.2024
Ct. No. 18
adeb

W.P.A. 12606 of 2023

**Ratan Kumar Dhara
Vs.
The State of West Bengal & Ors.**

Mr. Subrata Mukhopadhyay
...for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Mr. Subrata Mukhopadhyay, learned advocate appears on behalf of the petitioner on virtual mode.

The writ petition pertains to re-assessment of OMR sheet in connection with TET 2011. Prayer has been made in this writ petition to declare the petitioner as TET qualified after re-assessing OMR sheet of the petitioner since marks of the petitioner in TET fell short of qualifying marks by 0.25 marks.

Nothing has been produced before this Court based on which mandamus can be issued directing the West Bengal Central School Service Commission to re-assess the OMR sheet of TET 2011.

The right of the petitioner as it appears from the respective submissions of the learned advocates representing the petitioner and the West Bengal Central School Service Commission, emanates from the order dated 8th May, 2023 passed by a coordinate Bench in a contempt proceeding being CPAN 1323 of 2022 which

was initiated in connection with WPA 8198 of 2013. This Court finds it apposite to quote relevant part of the order dated 8th May, 2023 below:-

“This Court is of the view that 63 candidates have been declared successful after the Court’s order dated 29th June, 2022. The Contempt Applications need not be kept pending any further. Any individual cause of action as regards non qualification of the personality test, alleged non receipt/service of notice of personality test and disclosure of marks may be agitated in a separate independent fresh writ petition.”

(emphasis supplied)

From the relevant part of the said order dated 8th May, 2023 it appears that the candidates could have pursued relief separately relating to failure to qualify personality test or non consideration of the candidature of individual candidates due to alleged non receipt/service of notice of personality test and disclosure of marks. In the present case the cause of action of the petitioner is relating to failure on the part of the Commission to re-assess the OMR sheet of the petitioner in TET 2011 since the marks awarded to the petitioner in the said examination fell short of qualifying marks by 0.25 marks. Therefore, none of the issues formulated in the order dated 8th May, 2023 passed by the coordinate Bench is an issue in the present writ petition.

Hence, no relief can be granted to the petitioner.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)