

20.02.2024
Item No. 14
Crt.No.22
b.r.

WPA 10771 of 2015

Tunu (Mondal) Sardar
-vs-
The State of West Bengal & Ors.

Mr. Shaunak Ghosh
Mr. Anindya Sundar Das
Ms. Priya Nayek
Ms. Kuheli Gayen
Mr. Ratul Deb Banerjee
Ms. Paromita Mondal
.... For the petitioner.

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

This is a hearing matter upon affidavits.

The petitioner was an aspirant in the **12th RLST-2011** for the post of **Assistant Teachers**. The petitioner has the qualification of two years diploma in the Elementary Education from West Bengal Board of Primary Education as would be evident from **annexure p-3 at page-26** to this writ petition.

Mr. Shaunak Ghosh, learned counsel appearing for the petitioner relying upon a decision of the Hon'ble Division Bench dated **October 4, 2023, In the matter of : Sova Rani Mondal allias Sova Rani Haldar versus- State of West Bengal & Ors.** rendered in **MAT 975 of 2022**, submits that such qualification was directed to be treated as equivalent to a trained candidate.

Through the instant writ petition, the petitioner has challenged the impugned order dated **April 17, 2015** passed by the **respondent no.4, annexure p-9 at page 51** to the writ petition.

Dr. Sutanu Kumar Patra, learned counsel appearing for **respondent nos. 3 and 4**, on instruction submits that, as of now the said decision of the Hon'ble Division Bench has not been carried into any challenge.

In view of the above, for the ends of justice and equity to grant another opportunity to the petitioner, the impugned order dated **April 17, 2015** stands set aside and quashed.

The Chairman of the West Bengal Central School Service Commission shall re-visit the issue on the basis of the existing materials after issuing a prior hearing notice to the petitioner of at least seven days and after granting an opportunity of hearing to her shall pass a reasoned order. While deciding the issue, the Chairman shall also consider the judgment of the Hon'ble Division Bench as referred to above.

The petitioner shall furnish a copy of the entire set of writ petition along with a copy of the said Division Bench order positively within a period of **seven days** from date along with a copy of today's order before the Chairman.

The entire exercise as directed above shall be carried out and completed by the Chairman positively within a period of **six weeks** from the date of communication of this order. The Chairman shall then communicate his reasoned decision to the petitioner within a further period of **two weeks** from the date of the said reasoned order to be passed.

It is made clear that this order shall not create any right or equity in favour of the petitioner, if the petitioner is not eligible to receive her claim in law.

The petitioner shall be at liberty to participate in the hearing before the Chairman by herself and/or through her duly authorised representative.

For the ends of justice, the Chairman, West Bengal Central School Service Commission is impleaded as a party-respondent in this writ petition and the advocate on record of the petitioner shall carry out the necessary addition within two days from today by putting his signature on the cause title of the original writ petition.

On the above terms, this writ petition, **WPA 10771 of 2015** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)