

12.06.2024
Court No. 18
Item No. 02
(Suvendu)

WPA 14896 of 2024

Narayan Chatterjee
-Versus-

State of West Bengal & Ors.

Ms. Rama Haldar
Ms. Diya Dutta

..... for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

.....for the WBCSSC

Mr. Supriyo Chattopadhyay

.....for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

The writ petition has been filed by a
candidate who participated in the 12th RLST
2011 for being appointed in the post of Assistant
Teacher. In support of the case made out in the
writ petition, an order passed by a Coordinate
Bench in **WPA 11532 of 2013 (Md.
Kamruzzaman & Ors. -Vs- The State of West
Bengal & Ors.)** is relied upon. The said order
dated 29th June, 2022 is at page 52 of the writ
petition. It is also submitted that pursuant to
the order dated 29th June, 2022, TET marks of
the petitioner was enhanced from 49.75 to 62.25

and the petitioner was permitted to participate in the interview but ultimately the petitioner did not come within the zone of consideration which triggered the present writ petition. In support of the case of the petitioner, a communication dated 18th March, 2024 of the concerned authority of the West Bengal Central School Service Commission (for short, "Commission") addressed to the petitioner is placed before this Court wherefrom it appears that it has been admitted by the Commission that the answer script of History is not presently available and the marks which was awarded to the petitioner in History was 41.50. The petitioner is disputing the said marks which was awarded to the petitioner in History and is praying for production of answer script of History.

The Commission and the State respondents are represented by the learned advocates.

Dr. Patra, learned advocate representing the Commission submits in reference to the order dated 29th June, 2022 passed by the Coordinate Bench in **Md. Kamruzzaman** (supra) that pursuant to the said order, the experts found that answer keys to the questions in the OMR sheet were incorrect in Child Development and Pedagogy and considering the same the

marks which were initially awarded to the candidates were enhanced in terms of the observations made in the order dated 29th June, 2022. The petitioner's TET marks accordingly enhanced from 49.75 to 62.25 which permitted the petitioner to participate in the interview but he was not selected for being appointed in the post of Assistant Teacher since he did not come within the zone of consideration.

Having considered the submissions made on behalf of the parties, it appears that a new case has been made out in the writ petition, centered around written test of History which was conducted by the Commission in the year 2011 with regard to 12th RLST 2011. Now, the petitioner's contention is production of answer script of History in order to verify whether correct marks were awarded to the petitioner in History paper.

This Court cannot shut its eyes to the fact that 12th RLST 2011 was conducted in 2011-2012 and the entire process was complete on preparation of the panel after conducting the said selection test and the panel expired in 2015. Therefore, if contemporaneously issue was not raised by the petitioner with regard to History examination which was conducted by the Commission in connection with the 12th

RLST, now in the year 2024 if it is informed by the Commission to the petitioner that the History answer script is not available, no relief can be granted to the petitioner at this stage.

Accordingly, the writ petition stands dismissed.

There shall be, however no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)