

29.07.2024.
PB
Sl. No.42.
Ct. No.14.

**In The High Court At Calcutta
Constitution Writ Jurisdiction
Appellate Side**

WPA 14986 of 2024

Rahul Dutta
Vs
The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Payel Shome,
Ms. Sampriti Saha,
Ms. Avijit Kar.
.....for the petitioner.

Mr. Swapan Banerjee,
Mr. S. Mitra.
.....for the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury.
.....for the WBBPE

Affidavit of service filed in Court is taken on
record.

The petitioner participated in the Teacher
Eligibility Test, 2022 in terms of the notification
published by the West Bengal Board of Primary
Education on 29th September, 2022. The said
notification prescribes 5% relaxation of marks in

senior secondary or its equivalent examination in several categories including death-in-harness.

The petitioner applied for obtaining the benefit under the death-in-harness category. Admit Card was issued in his favour in the death-in-harness category, but surprisingly, at the time of declaration of the TET result, the sub-category of the petitioner has been kept blank. The petitioner obtained 84% marks out of 150 marks.

It has been submitted that had the 5% relaxation of marks been given to the petitioner, he would have been qualified in the TET examination.

The petitioner has also prayed for a direction upon the Board to issue the TET qualified certificate in his favour and permit him to take part in the recruitment process of the year 2022.

Learned advocate representing the Board submits that TET qualified certificate in respect of the year 2022 was not issued to any candidate prior to the recruitment process of the year 2022.

On the face of records, it appears that the petitioner applied for getting relaxation under the death-in-harness category. The marks obtained by the petitioner does not reflect the relaxation of marks. The petitioner, in fact, has been treated as a General

Category candidate, without the relaxation under the death-in-harness category.

Accordingly, the Secretary, West Bengal Board of Primary Education is directed to take necessary steps to rectify the sub-category of the petitioner and thereafter issue fresh certificate, in the event, the petitioner qualifies in TET 2022.

As regards the permission sought for participating in the recruitment process of the year 2022, as it has been submitted that none of the candidates who participated in the TET 2022 examination has been permitted to take the selection test, accordingly, the prayer made by the petitioner for appearing in the recruitment process cannot be allowed.

Steps shall be taken by the Secretary at the earliest, but, positively within a period of four weeks from the date of communication of this order.

It goes without saying that it will be open for the petitioner to take part in the subsequent recruitment process initiated by the Board if he qualifies TET.

The writ petition is disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)