

12.08.2024.
PB
Sl. No.16.
Ct. No.14.

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

WPA 16995 of 2024

Partha Sarathi Bhang
Vs
The State of West Bengal & Ors.

Mr. Arkadipta Sengupta,
Mr. Amitabrata Roy,
Ms. Aayushi Mukherjee.
.....for the petitioner.

Mr. Biswabrata Basu Mallick.
.....for the DPSC.

Mr. B. P. Vaisya,
Mr. Sagnik Chatterjee.
.....for the State.

The petitioner participated in the recruitment process for appointment of primary school teachers in the year 2006. Several litigations were filed in connection with the said process.

One of the litigations went up to the Hon'ble Supreme Court being Civil Appeal No.1071 of 2019 (Amina Khatun & Ors. Vs. Birbhum District Primary School Council & Ors.). The Hon'ble Supreme Court passed order on 24th January, 2019 by directing that the primary teachers who obtained training certificates

from the institute recognized by the State Government will be entitled to the weightage under Rule 9(2)(d) of the Recruitment Rules, 2001 so long as they have filed legal proceedings in the High Court on or before 31st December, 2010. The selection process was directed to be revisited and panel for appointment of primary teachers to be made again.

The case of the petitioner was considered in terms of the aforesaid order, but, he was treated in the Bengali Medium Unreserved Category.

Petitioner submits that his candidature ought to have been treated in the trained category and not in the unreserved category. The lowest mark of the last empanelled candidate in the trained category, Bengali medium is 38.0772 whereas the petitioner has secured 44.6299 which is more than the marks obtained by the last empanelled candidate.

The petitioner submits that he has obtained more marks than the last empanelled candidate and the appointment letter ought to have been issued in his favour.

The petitioner relies upon the order dated 5th April, 2022 passed by this Court in WPA 18433 of 2021 (Mithu Sarkar Vs. The State of West Bengal & Ors.).

Learned advocate representing the Hooghly District Primacy School Council submits that the authority will act in accordance with the order passed by the Hon'ble Supreme Court.

It appears that the petitioner has indeed got more marks than the last empanelled candidate in the trained category. The petitioner ought to have been issued the letter of appointment.

In view of the above, the instant writ petition is disposed of by directing the Chairman, Hooghly District Primacy School Council to treat the petitioner as a candidate in the trained category and take necessary consequential steps at the earliest, but, positively within a period of six weeks from the date of communication of this order.

Writ petition stands disposed of.

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

(Amrita Sinha, J.)