

25-04-2024

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WPA 20966 of 2022
With
CAN 1 of 2024
Kakali Mondal & Ors.

-Versus-

The State of West Bengal & Ors.
With
WPA 11298 of 2024
Biplab Mondal & Ors.

-Versus-

The State of West Bengal & Ors.
With
WPA 11301 of 2024
Koyel Ghosh & Ors.

-Versus-

The State of West Bengal & Ors.
With
WPA 11303 of 2024
Dip Kumar Mondal

-Versus-

The State of West Bengal & Ors.

With
WPA 11457 of 2024
Malay Biswas

-Versus-

The State of West Bengal & Ors.
With
WPA 11463 of 2024
Amit Das

-Versus-

The State of West Bengal & Ors.
With
WPA 24960 of 2022
Kashinath Mondal & Ors.

-Versus-

The State of West Bengal & Ors
With
WPA 24350 of 2022
Jhuma Pal

-Versus-

The State of West Bengal & Ors.
With
WPA 18771 of 2021
Sushanta Kamila & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 19856 of 2023
 Tapas Paul & Ors.

-Versus-

The State of West Bengal & Ors
 With
 WPA 3486 of 2023
 Abhijit Das & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 16777 of 2022
 Subhankar Majhi & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 23787 of 2022
 Rakes Das & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 17906 of 2022
 Pushpendu Das

-Versus-

The State of West Bengal & Ors.
 With
 WPA 11315 of 2024
 Mousumi Ghosh & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 11462 of 2024
 Sk. Sahedul Imam

-Versus-

The State of West Bengal & Ors.
 With
 WPA 11621 of 2024
 Subhankar Gain & Ors.

-Versus-

The State of West Bengal & Ors.
 With
 WPA 11726 of 2024
 Azad Rahaman & Ors.

-Versus-

The State of West Bengal & Ors.

With
WPA 11750 of 2024
Utpal Ghosh & Ors.

-Versus-

The State of West Bengal & Ors.

Mr. Rabil Lal Maitra, Id. Sr. Adv.,
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Mr. Rajit Lal Maitra
..for the petitioners in WPA 20966 of 2022

Mr. Subir Sanyal,
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Mr. Chittapriya Ghosh,
Mr. Ratul Biswas,
Ms. Priyanka Saha,
Mr. Ishan Bhattacharya,
Mr. Soumyadipa Kanu,
Mr. Priyanka Saha
..for the petitioners in WPA 11298 of 2024, WPA 11301 of
2024, WPA 11303 of 2024, WPA 11457 of 2024 and WPA
11463 of 2024

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Mr. Chattapriya Ghosh,
Ms. Priyanka Saha
...for the petitioners in WPA 3486 of 2023

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Mr. Pritam Majumder,
Mr. Rahul Deb Goenka,
Ms. Satabdi Das,
Mr. Mainak Singha Barua
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WPA 11315 of 2024 and WPA 11462 of 2024

Mr. Anindya Bose,
Mr. Santanu Maji,
Mr. Subhayu Das
....for the petitioner in WPA 11621 if 2024

Mr. Biswaroop Bhattacharya,
Mr. Golam Mohiuddin,
Mr. Anindya Bose,
Ms. Puja Mondal
...for the petitioner in WPA 11726 if 2024

Mr. Nilay Baran Mandal
...for the petitioner in WPA 11750 of 2024

Mr. Sirsanya Bandopadhyay,
Mr. Supriyo Chattopadhyay,

Mr. Shamim ul Bari,
 Ms. Iti Duta,
 Mr. R.K. Ganguly

...for the State in WPA 20966 of 2022

Mr. Biswabrata Basu Mallick,
 Ms. Mrinalini Majumder

...for the State in WPA 11298 of 2024

Ms. Mousumi Chowdhury,
 Mr. Dhananjay Banerjee

...for the State in WPA 11301 of 2024

Mr. Tapan Kr. Mukherjee,
 Mr. Somnath Naskar

..for the State in WPA 11457 of 2024, WPA 11463 of 2024

Mr. Rajarshi Basu,
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.. for the State in WPA 24350 of 2022

Mr. Supriyo Chattopadhyay,
 Ms. Tapati Samanta

...for the State in WPA 16777 of 2022

Mr. Supriyo Chattopadhyay,
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Mr. Santanu Mitra,
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...for the State in WPA 29025 of 2023

Mr. Shamim ul Bari,
 Mr. Aviroop Bhattacharya

...for the State in WPA 11750 if 2024

Mr. Arabinda Chattopadhyay,
 Mr. Bhaskar Prasad Vaisya,
 Mr. Pinaki Bhattacharyya,
 Mr. Saikat Pal

...for the DPSC, North 24 Parganas in WPA 20966 of 2022

Mr. Bhaskar Prasad Vaisya,
 Mr. Pinaki Bhattacharyya,
 Mr. Saikat Pal

...for the DPSC, North 24 Parganas in WPA 11298 of 2024

Mr. Bhaskar Prasad Vaisya,
 Mr. Pinaki Bhattacharyya,
 ...for the DPSC, North 24 Parganas in WPA 11301 of
 2024, WPA 11303 of 2024, WPA 11457 of 2024, WPA
 11463 of 2024, WPA 24960 of 2022

Mr. Arabinda Chattopadhyay,
 Mr. Bhaskar Prasad Vaisya,
 Mr. Pinaki Bhattacharyya,
 Mr. Saikat Pal
 ...for the DPSC, North 24 Parganas in WPA 16777 of 2022
 and WPA 23787 of 2022

Mr. Bhaskar Prasad Vaisya,
 Mr. Pinaki Bhattacharyya,
 Mr. Saikat Pal
 ...for the DPSC, North 24 Parganas in WPA 17906 of 2022

Ms. Sabnam De Bardhan
 ...for the State in WPA 11462 of 204 and WPA 11621 of
 2024

Mr. Kaushik Chowdhury
 ...for the WBBPE in WPA 23787 of 2022 and WPA 11726
 of 2024

Mr. Saumen Data,
 Mr. Tapas Singha Roy
 ..for the private respondents

1. By consent of parties, WPA 24875 of 2022,
 WPA 11929 of 2023, WPA 11482 of 2024,
 WPA 6569 of 2021, WPA 24875 of 2022, WPA
 11754 of 2024 and WPA 11658 of 2024 are
 taken up for hearing treating them as on
 day's list.
2. The Commissioner of School Education has
 filed a report addressed to the learned AGP
 Mr. Supriyo Chattopadhyay. The report is

detailed and deals with the allegations in the writ petition of Kakali Mondal & Ors. Vs. State of West Bengal & Ors. in WPA 20966 of 2022.

3. The allegations of the petitioners are in respect of improprieties in the recruitment process 2009 in the DPSC, North 24 Parganas, completed in the year 2021. The Commissioner of School Education (CSE) has refuted the allegations. The same is echoed by the Chairman, North 24 Parganas.
4. What follows from the argument of all counsels is that only candidates with a fixed percentage of marks in the academic qualifications in the respective categories and subjects were allowed to sit in the written examination. Such written examination was followed by Viva Voce and Aptitude test.
5. What also transpires from the submissions of the parties is that pursuant to an order dated 8th January, 2021 passed in WPA 15128 of 2017, several/supernumerary additional posts have been created.
6. This Court at this stage does not wish to enter into the nomenclature of the posts created. Suffice it to say that as many as 2605 posts

were created by notification dated 17th September, 2021 issued by the CSE.

7. The recruitment process is of the year 2009 which was completed by issuing appointments in the year 2021. After taking into consideration the vacancies already existing, and the new posts of 2605 created, it transpires to this Court from the report and the submissions of the Commissioner of School Education, the DPSC, North 24 Parganas and the petitioners that there are about 800 posts still vacant.
8. The DPSC, North 24 Parganas, however, insists that there are only 475 posts vacant.
9. In a decision of a Co-ordinate bench in respect of the Howrah DPSC by order dated 9th April, 2024, a consensus was achieved by consent of all parties, i.e., the writ petitioners, the DPSC concerned, the Commissioner of School Education, to accommodate the petitioners in all writ applications filed upto 31st March, 2024, to be appointed against available vacancies.
10. The said consensus was based on an order of a Co-ordinate bench dated 9th June, 2023 passed in WPA 1305 of 2021 (Barnali Sengupta & Ors. Vs. State of West Bengal &

Ors.) heard along with WPA 28899 of 2022, WPA 27960 of 2022 and WPA 1025 of 2023.

11. It cannot be said that there were no irregularities or improprieties in the recruitment process to the post of Assistant Teachers of the year 2009, completed in the year 2021 as above. This Court does not wish to make any conclusive pronouncement thereon.
12. In the event the irregularities are accepted the entire process of recruitment is liable to be interfered with. This would cause prejudice to candidates appointed and working for three years. There is no way of segregating the lawful and unlawful appointments.
13. In the above circumstances, following the order dated 9th April, 2024 passed in WPA 3268 of 2015 (Sourav Naskar and Ors. Vs. State), for the reasons stated therein, in respect of the DPSC, Howrah, this Court by consent of all parties, is inclined to direct that all candidates who were called for interview in the aforesaid recruitment process of the year 2009 and have filed writ petitions until 24th April 2024, shall be entitled to appointments against existing or future vacancies.

14. All applications for addition of parties affirmed until 24th April, 2024 in the subject writ petitions are hereby allowed and disposed of.
15. The DPSC North 24 Parganas and the State shall ensure that the marks of all writ petitioners as above in the written examination, aptitude test and interview are published on the website in descending order.
16. After verification of records, writ petitioners and added parties, shall be accommodated and given letters of appointment. If the vacancies are exhausted, the DPSC, North 24 Parganas shall publish a list of wait listed candidates. Such panel of wait listed candidates shall be kept alive until vacancies continue and arise and all the petitioners are appointed.
17. All of such appointment shall be prospective and shall be issued and effective from today. The petitioners shall not be entitled to claim any arrears or benefits before the date of the letter of appointment notional or monetary.
18. The writ petitioners and added petitioners shall produce copies of the writ petitions along with evidence of date of filing of writ petitions, all documents in support of their

participation in the recruitment process, including admit cards for the written test, call letters for interview and aptitude test and their qualifications for verification by the DPSC within 15 days from date.

19. It is only those petitioners who are able to produce all original documents as above and/or authenticated copies thereof to the satisfaction of the DPSC, North 24 Parganas that shall be eligible for appointments as directed hereinabove. The names and particulars of each of the eligible and appointed and waitlisted writ petitioners shall be published by the DPSC, North 24 Parganas on its website.
20. The panel list and/or the letters of appointment including the waiting list sent by the Chairman, DPSC, North 24 Parganas shall be approved by the Commissioner of School Education, Government of West Bengal.
21. The exercise of issuance of appointment letters shall be completed, preferably within a period of 2 months from the submission of the list.

22. With the aforesaid directions, all the writ petitions along with connected applications shall stand disposed of.
23. There shall be no order as to costs.
24. The persons already appointed or not willing to obtain appointments in the writ petitions above, shall not be issued such appointments.
25. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)