

05.02.2024
Court No. 13
Item No. 19
AP

WPA 18457 of 2023

**Rubaiya Yeasmin
Vs.
The State of West Bengal and Ors.**

Mr. Anindya Bose
Mr. Santanu Maji
Mr. Mridul Biswas

.... For the Petitioner.

Mr. Arjun Ray Mukherjee
Ms. Jyotsna Ray Mukherjee

.... For the State.

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... For WBBPE.

1. The petitioner sat for the TET examination in the year 2017. She was an OBC(A) reserved category candidate.
2. The WBBPE published the list of qualified candidates and their marks in the TET exam on 10th January 2022. The petitioner was found not qualified.
3. The petitioner applied under the RTI Act for her marks and her OMR sheets for scrutiny on 30 March 2022.
4. Pursuant to an order dated 3rd November, 2022 passed by a coordinate Bench of this Court in WPA 16485 of 2022 (Prasenjit Saha and Ors. Vs. The State of West Bengal and Ors.), it has been held that a reserved candidate who secures 82 marks in the TET would qualify in the recruitment process for Assistant Teacher for the year 2022.
5. The writ petitioner states that she, after being notified as disqualified in January 2022 applied for a copy of

her OMR sheet through RTI on 30th March 2022. The OMR sheet was actually supplied to her on 26th June, 2023. She, therefore, submits that the delay in supplying of RTI information by the Board cannot deprive her of a legitimate right to participate in the selection process for recruitment in September 2022.

6. This Court, however, notes that since the Board notified the marks of the writ petitioner in November 2022 itself in their website, she should have applied for scrutiny of OMR sheet immediately thereupon.

7. This Court is also of the view that the information supplied under the RTI as a defence for the first time today is clearly an afterthought. The writ petitioner should have been vigilant of her right immediately after the order of a coordinate Bench dated 3rd November, 2022 when the publication of her marks by the Board on their website was on January 2022.

8. In that view of the matter, no relief can be granted to the writ petitioner in the instant writ petition. Since the writ petitioner is already disqualified in the TET, she has the option of participating in future recruitment process of the WBBPE. She also has an option to sit for the TET afresh.

9. With the aforesaid observations, the writ petition is disposed of.

10. There shall be no order as to costs.

11. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)