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03.01.
2024
Ct. No.17

WPA 19210 of 2023

**Golam Mostafa
Vs
The State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta
Mr. Arka Nandi
.....For the Petitioner
Mr. Amitava Chaudhuri
Mr. Kaushik Chowdhury
Mr. Ratul Biswas
.....For the WBBPE**

The case of the petitioner is that he appeared in TET 2012 but was unsuccessful. In TET 2014 also he appeared with the same admit card as was permitted by the West Bengal Board of Primary Education for TET 2014. In the interregnum the petitioner got his caste certificate being OBC-A. As the petitioner appeared with 2012 admit card, he could not get any opportunity to intimate the Board through an application on-line (applications were only accepted on-line) that in the meantime he has been treated as an OBC-A candidate. He was declared as unsuccessful in TET 2014 but later after direction by the Commissioner of Right to Information in an appeal he came to learn that he got the qualifying marks in TET 2014 and he has qualified as a candidate and therefore he should be declared as qualified in TET 2014 as he has crossed the hurdle of

minimum marks which was 82.

Learned advocate for the petitioner has prayed that in this writ application his only prayer is to consider him as reserved category candidate in TET 2014 because before the TET 2014 he got the reserved category certificate but could not produce not because of his own fault but due to the reason that he appeared with the 2012 admit card as was permitted by the West Bengal Board of Primary Education.

From the affidavit of service it appears that the petition was delivered to the West Bengal Board of Primary Education on 9th August, 2023. Today we are in January, 2024.

Learned advocate for the Board has prayed for some time to take instruction in respect of some questions involved in the matter. I do not understand what he was doing for last nearly four months or what his client was doing during that time in not giving full instruction to defend the case. Therefore, I do not want to accept the prayer for adjournment made by the West Bengal Board of Primary Education.

I direct the Board to consider the petitioner as a qualifying candidate of TET 2014 in the OBC-A category.

Affidavit of service filed in court be kept with

the record.

With the above observation and direction, this writ application is allowed.

(Abhijit Gangopadhyay, J.)