

23.07.2024
Court No. 18
Item No. 05
(Suvendu)

WPA 21302 of 2022

Safikul Islam
-Versus-

The State of West Bengal & Ors.

Mr. Shamim Ul Bari
Ms. Asmita Mitra
Ms. Jhilik Singha
.....for the petitioner

Mr. Joydip Banerjee
....for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.....for the WBCSSC

Matter is finally heard in presence of the learned advocates representing the petitioner, West Bengal Central School Service Commission and State respondents.

Case of the petitioner is that petitioner participated in 1st State Level Selection Test 2016 for recruitment of Assistant Teachers in upper primary level classes as specially abled candidate (PH) but while considering candidature of the petitioner he was treated as general category candidate. In this regard reliance has been placed on pages 30 and 31 of the writ petition which are copies of mark-sheet

of Teacher Eligibility Test (Upper Primary), 2015 and online filled in application form for 1st SLST 2016 for recruitment of Assistant Teachers in upper primary level of schools.

Though in both the aforesaid documents petitioner described himself as a specially abled candidate but from the documents annexed to the report in the form of affidavit filed on behalf of the Commission at pages 7 and 9 to 10 it appears that status of the petitioner was general category candidate in connection with TET Examination 2015 (Upper Primary) and in online application form which was filled in by the petitioner for participating in SLST 2016 (Upper Primary) he also described himself as a general category candidate.

Previously, in consideration of the facts disclosed on behalf of the Commission in the report, which are corroborated by the documents referred to above, Court was contemplating to direct an investigating agency to find out veracity of the documents relied upon by the petitioner and the Commission in connection with determination of category of the petitioner whether general or specially abled. Court granted time to the learned advocate for

the petitioner to obtain instruction whether petitioner desires to proceed with the writ petition or not and the matter has been fixed for hearing today, 23rd July, 2024.

Today, the learned advocate appearing for the petitioner submits that he has not been able to take specific instruction and could not compare documents which are lying with the petitioner with the documents which have been annexed to the writ petition since petitioner has met an accident and could not attend his chamber.

In view of inability of the learned advocate to make submissions based on the documents which are annexed to this writ petition today this Court does not find it apt to grant further time to the petitioner in order to verify the documents which are annexed to this writ petition.

On filing the report in the form of an affidavit it has been made clear by the Commission that petitioner participated in TET Examination, 2015 (Upper Primary) as general category candidate and subsequently in 1st SLST, 2016 he also applied as a general category candidate. Therefore, placing reliance on these

documents which are annexed to the report of the Commission this Court does not find substance in the case attempted to be made out in the writ petition.

Accordingly, the writ petition stands dismissed.

Considering the fact that petitioner is an unemployed youth Court is not imposing costs and the writ petition is dismissed with a note of caution that such conduct of the petitioner if recur in future that would be viewed seriously.

Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)