

S/L 5
07.5.2024
Court No.18
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 21131 of 2023
With
CAN 1 of 2024

Newton Sk. & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharyya
Mr. Anindya Bose
Mr. Golam Mohiuddin
Mr. Mridul Biswas
Ms. Puja Mondal

...for the Petitioner.

Mr. Gourav Das

...for the State.

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey

...for the WBCSSC.

The report as directed and affidavit-in-opposition to the writ petition are filed on behalf of the West Bengal Central School Service Commission, let those documents be kept with the record.

Mr. Bhattacharyya, learned advocate for the petitioners submits that the petitioner no.4 has joined erroneously in the writ petition as he stands on a different footing than the other petitioners, he therefore prays that the name of the said petitioner be expunged from the array of petitioners in the cause title and leave may be granted to him to file a separate writ petition for appropriate relief.

The name of the petitioner no.4 be expunged from the cause title of the writ petition, the Department is

directed to carry out necessary amendment in the said cause title.

It is made clear that this order will not prevent the petitioner no.4 to file a fresh writ petition for appropriate relief.

The petitioners had participated in the 1st State Level Selection Test for recruitment of Assistant Teachers, 2016 in Upper Primary level of schools as Para-teachers. In the said selection test, 10% posts are reserved for Para-teachers.

The candidates who intend to avail the benefit of such reservation were obliged to disclose their Para-teacher status and training qualification in their respective online applications.

The petitioners have filed the instant writ petition complaining that in response to the notice of the Commission, they have tried to upload their documents, but failed.

Dr. Patra, learned counsel for the Commission submits that the online applications of the petitioners were incomplete, as such they are not allowed to upload their documents.

It appears from the report of the Commission that the petitioner nos. 2 (Dipankar De), 3 (Some Parya), 7 (Saraswati Malo), 8 (Ram Narayan Bhowmik) and 9 (Asaduzzaman), in their original online applications had supplied their respective Para-teacher status and training qualification but had failed to provide such information in their edited online applications. The said situation might have occurred due to technical glitch for which the said

petitioner no cannot be penalized. The Commission is therefore directed to allow verification of documents of the petitioner nos. 2, 3, 7, 8 and 9.

In compliance with the direction passed by this court, the Commission has already allowed the prayer of the petitioner no.5 (Aparna Debnath) for verification of documents.

The online applications of the petitioner nos. 1 (Newtown Sk.) and 6 (Debasish Ghoshal) were incomplete, as such they are not entitled to upload their documents for verification, accordingly their such prayer is rejected.

W.P.A. 21131 of 2023 is allowed in-part with the above terms without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)