

MAT 2059 of 2023
with
IA No. CAN 1 of 2024

Tarun Kumar Patra &Ors.

vs.

State of West Bengal & Ors

Mr. Atarup Banerjee (Through Video Conference)

Ms. Riya Das

Mr. Rajdeep Pramanik

....For the Appellant.

Mr. Subir Sanyal

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

....For the W.B.B.P.E.

Mr. Bhaskar Prasad Vaisya, Ld. AGP

Mr. Suman Dey

....For the State.

Affidavit-of-service filed by the appellant be kept on record.

The present appeal has been preferred challenging an order dated 29th August, 2023 passed in a writ petition being WPA 6013 of 2023. By the order impugned, an adjournment prayed for on behalf of the writ petitioners/appellants herein was refused and the writ petition was dismissed since the appellants did not file the supplementary affidavit enclosing the standard text books, as directed earlier by the learned Single Judge on 12th July, 2023.

Mr. Banerjee, learned advocate appearing for the appellants submits that similar writ petitions were filed before the learned Single Judge with a prayer to reassess or reevaluate the answer keys and OMR sheets of TET Examination of 2022 on the basis of the standard text books approved by the West Bengal

Board of Primary Education (hereinafter referred to as the said Board) and other documents.

He further submits that the text books, upon which reliance was placed by the appellants, had already been made annexures to the writ petition and the delay towards filing of the supplementary affidavit was neither deliberate nor intentional for incorporation of further documents in support of the appellants' claim. In view thereof, the learned Single Judge ought not to have dismissed the writ petition *moreso* when, similar writ petitions are still pending before the learned Single Judge and the same had been made returnable for hearing on 19th June, 2024.

Mr. Sanyal, learned advocate appearing for the Board, however, opposes the appellants' prayer and submits that an interim order passed in the similar writ petitions had already been challenged by the Board and as such the hearing of the present appeal needs to be deferred till the hearing of the said appeal.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

In the writ petition the text books approved by the Board had been annexed and on the basis of the same the appellants were claiming that the answers have not been appropriately marked by the competent authority.

The delay towards filling of the supplementary affidavit was neither intentional nor deliberate and instead of extending the time for granting of such affidavit, the writ petition has been abruptly dismissed.

In the said conspectus and as similar writ petitions are pending before the learned Single Judge, the order impugned in the present appeal is set aside and the writ petition is remanded to the learned Single Judge with a request to hear the same on merits along with the other similar writ petitions.

With the above observations and directions the appeal and connected appeal are disposed of.

There shall, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

(Partha Sarathi Chatterjee,J.) (Tapabrata Chakraborty,J.)