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02.08.2024
Ct. No.02
NB

HIGH COURT AT CALCUTTA
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction

WPA 1475 of 2024

Minuty Roy
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee,
Mr. Badrul Karim,
Ms. Rishita Chakraborty.
...for the petitioner.

Mr. Hirak Barman,
Mr. Sumit Kumar.
...for the State.

Mr. Amales Ray,
Mr. Deborshi Dhar,
Mr. N. Mittal.
...for the DPSC, Cooch Behar.

Affidavit of service filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had passed the TET, 2014 examination. She was appointed to the position of Assistant Teacher at Simulbari Government Primary School following the West Bengal Primary School Teachers Recruitment Rules, 2016. She officially joined the said school on 09.02.2024. For this, she had resigned from her earlier post of Additional Para Teacher at Bamanhat High School. However, all of a sudden she received a communication dated 25.06.2024 cancelling the petitioner's appointment as Assistant Teacher. It appears that in doing

so, the opinion of the West Bengal Board of Primary Education was sought by the Secretary, District Primary School Council. Apparently, the ground is that although the petitioner fell in the SC category, her age was above 45 years. However, according to the notification dated 22.12.2020 of the School Education Department (Elementary Branch) of the Government of West Bengal, for such candidates the upper age limit could be relaxed upto 50 years. The petitioner fell within this age limit.

Learned counsel appearing on behalf of the DPSC, Cooch Behar denies the allegations and submits that it is upon the advice of the Board that his client had acted. Let the Board consider the petitioner's representation in this regard.

Learned counsel appearing on behalf of the State submits that if a representation has been made in this regard, the same will be considered in accordance with law.

It appears that the decision of the DPSC, Cooch Behar purportedly based upon an advice of the Board, which did not take into consideration the question of relaxation of age upto 50 years as per notification dated 22.12.2020.

It is also evident that a representation of the petitioner in this regard is pending consideration.

In view of the above and in the interest of justice, let the respondent no3 consider the petitioner's representation in this regard in accordance with law and as early as possible, preferably within a period of four weeks from the

date of communication of this order. Within a week thereafter, he shall communicate the outcome of such consideration to the petitioner and also take necessary steps so far as the DPSC, Cooch Behar is concerned.

With these observations, the writ petition is disposed of.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)