

20.05.2025
SI No.23
Court No.8
(gc)

**FMA 279 of 2022
CAN 1 of 2022**

**Subrata Ghosh
Vs.
The State of West Bengal & Ors.**

1. The appellant is not represented, nor any accommodation is prayed for on behalf of the appellant.
2. It appears that the grievance of the petitioner appears to be that the learned Single Judge has clearly erred in law in not holding that the Notification being Memo No.1915/BPE/2020 dated 23rd December, 2020 is bad in law and if marks are awarded to the petitioners for the wrong questions in terms of the order dated 26th November, 2018, the petitioners would have qualified for TET 2014 and being trained candidates would be eligible for appointment as primary teacher pursuant to Notification dated 26th September, 2016.
3. The writ petition was confined to the reply with 14th September, 2021 given by the Secretary of the West Bengal Board of Primary Education whereby the authority has refused to supply the copy of the OMR sheet to him. The Board before the learned Single Judge has clearly mentioned that in terms of the judgment passed by the Hon'ble High Court

on 22nd April, 2019 in W.P. No.6135(W) of 2019 and W.P. No.5704(W) of 2019, the West Bengal Board of Primary Education is obliged to preserve the OMR sheet and information till November 9, 2016. The petitioner in the instant case has applied for the OMR sheet in respect of TET Examination 2014 by an application made on 9th September, 2021.

4. Since the Board had complied with the order dated 22nd April, 2019 and the application was made only on 9th September, 2021 and not within November 9, 2016, we are unable to grant any relief to the appellant.
5. The appeal fails.
6. Accordingly, the appeal and the connected application are dismissed.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)