

13.03.2025
(D/L 12)
Ct.-19
(Susanta)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 2622 of 2025

Saikat Chatterjee

-Vs-

The State of West Bengal & Ors.

Mr. Saikat Chatterjee,
.... Petitioner (in person).

Mr. Suman Dey,
Ms. Amrita Tewari,
.... For the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
.... For the WBBPE.

The West Bengal Board of Primary Education, in the year 2022, had initiated a selection process for recruitment of Assistant Teachers in the Primary Schools of the State. The petitioner had participated in the said selection test.

A co-ordinate bench of this Court in WPA 2456 of 2022 (**Manidipa Purkait & Ors. Vs. The State of West Bengal & Ors.**) had passed an interim order that the candidature of a candidate in the said selection test shall not be considered if he/she is already in service.

The petitioner, though had participated, but was not selected in the 2016 selection process; unfortunately, his candidature in the 2022 selection process was erroneously rejected treating him to be a successful candidate of the said 2016 selection process.

Mr. Biswas, learned advocate for the Board files a report as directed by the order dated February 24, 2025; let it be kept with the record.

It appears from the said report that the petitioner though is a merit-listed candidate of the 2022 selection process but was not recommended for appointment treating him as an in-service candidate. The Board however, in the said report, has expressed

its inability to recommend the petitioner for appointment at this stage on the ground that in terms of Rule 12 of the *West Bengal Primary School Teacher Recruitment Rules, 2016*, the panel has expired on January 30, 2025.

The petitioner admittedly was a successful candidate in the 2022 selection process; he was not recommended due to the error of the Board. The petitioner cannot be made to suffer for such an error.

The Board is directed to recommend the petitioner for appointment in any school under the Kolkata District Primary School Council within a period of **two weeks** from the date of communication of this order.

This order has been passed in the facts and circumstances of the present case; therefore, shall not be treated as a precedent.

WPA 2622 of 2025 is disposed 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 of all requisite formalities.

(Biswajit Basu, J.)