

09.07.2025
SI No.4
Court No.8
(gc)

**MAT 408 of 2025
CAN 1 of 2025**

**Bablu Mullick
Vs.
The State of West Bengal & Ors.**

Mr. Partha Sarathi Bhattacharyya, Sr. Adv.
Mr. Sudip Sarkar,
Mr. Raju Bhattacharyya,
Mr. Bitun Sarkar

...for the Appellant.

Mr. Biswabrata Basu Mallick, Ld. A.G.P.,
Mr. Sayan Ganguly

...for the State.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

Mr. Arabinda Chatterjee, Sr. Adv.,
Mr. Bhaskar Prasad Vaisya, Sr. Adv.,
Mr. Pinaki Bhattacharyya

...for the DPSC, North-24 Pgs.

1. Affidavit-of-service is kept with the record.
2. The Chairman, North 24 Parganas, District Primary School Council is present with the report.
3. The CD containing the relevant details with regard to the candidates and marks obtained by the candidates for the recruitment process, 2006 is also produced in a sealed envelope.
4. It appears from the report that the appellant/writ petitioner scored 38.129 and the academic score was calculated as per sub-rule 9(2)(c) of the West Bengal Primary Teachers Recruitment Rules, 2001 notified vide No.57-

SE(Pry)/10R-1/91 dated 15th January, 2002. The details of the basis of calculation are disclosed in the said report. The report also revealed the details of the lowest marks obtained by the last empanelled OBC candidate was 41.08. In terms of Rule 8(3) of the West Bengal Primary Teachers Recruitment Rules, 2001, the appellant, therefore, was not entitled to be appointed for the post of Primary School Teachers in the recruitment process, 2006. Although on a review, the Board had awarded two marks in favour of the writ petitioner instead of zero marks earlier awarded in compliance of the order passed on 5th September, 2022 in respect of CAN 1 of 2022 arising out of WP 7812 (W) of 2019. The panel was prepared in 2010 and expired in 2012. It is stated that the answer scripts are no longer in the custody of the Council. The CD containing marks and tabulation available with the Council was accepted by a Coordinate Bench in MAT 1800 of 2015 recorded in the order dated 7th December, 2015. It was on the basis of such marks and tabulation and the materials available, the Board in compliance of the order dated 5th September, 2022 awarded two marks on the ground of benefit of doubt in

respect of question No.6(b) and question No.7(a).

5. In view thereof, we do not find any reason to interfere with the order passed by the learned Single Judge.
6. The CD is returned to the learned Counsel appearing on behalf of the DPSC, North 24 Parganas.
7. The report filed by the Chairman, North 24 Parganas, DPSC is kept with the record.
8. The personal appearance of the Chairman, North 24 Parganas, DPSC is dispensed with.
9. According, the appeal and the application are disposed of.
10. However, there shall be no order as to costs.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all necessary formalities.

(Soumen Sen, J.)

(Smita Das De, J.)