

Form No. J.(2)
Item No. DL/3
ARPAN - AR (CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. No.9329 of 2025

Pranabesh Ojha & Another
Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioners	: Mr. Robiul Islam, Adv. Mr. Samim Ul Bari, Adv. Mr. K.M. Hossain, Adv. Sk. Jayed Hossain, Adv.
For the State	: Mrs. Sabnam De Bardhan, Jr. Govt. Adv. Mrs. Kakali Naskar, Adv.
For W.B.B.P.E.	: Mr. Ratul Biswas, Adv. Mr. Kaushik Chowdhury, Adv.
Heard On	: 20.05.2025 & 26.06.2025
Judgment On	: 26.06.2025

Saugata Bhattacharyya, J.:

1. In terms of the order dated 20th May, 2025, a supplementary affidavit which is affirmed on 13th June, 2025, is filed enclosing a list of candidates

relating to recruitment process of 2016 for the post of primary teachers and taken on record.

2. Contention of the petitioner is by publishing this list showing break-up score of panel for the recruitment process of 2016 against empanelled candidates, wherein petitioners were shown as untrained candidates. It is submitted that they were appointed on being selected in 2016 selection process conducted by the West Bengal Board of Primary Education (hereinafter after referred to as 'Board') and appointments were made in the month of February, 2017. Petitioners subsequently obtained D.El.Ed. qualification and certificates were issued on 23rd August, 2017. In consideration of their D.El.Ed. qualification petitioners were sanctioned 'A' category scale of pay as such petitioners need to be treated as trained candidates.

3. Such contention raised on behalf of the petitioners has been disputed by the learned advocates representing the Board since it is submitted that issue involved in this writ petition is not treating the writ petitioners as trained candidates rather petitioners are claiming allotment of marks against training qualification in connection with 2016 selection process.

4. In terms of notification dated 28th November, 2022, a list was published pursuant to the order dated 23rd September, 2022 passed in a writ petition being WPA 7907 of 2022, by the Board thereby uploading break up scores of the TET, 2014 qualified empanelled candidates against 42,949 and 16,500 vacancies in 2016 and 2020 selection processes.

5. On perusal of the relevant part of the list which is annexed to the supplementary affidavit, it appears that under the column “Training Score” against names of the petitioners spaces were kept blank. Precisely prayer is made that by not showing training scores against names of the petitioners in the list, they are being treated as untrained candidates.

6. As it appears from page 5 of the supplementary affidavit where a list of candidates disclosing break up scores in connection with 2016 and 2020 selection processes is enclosed based on which prayer of the petitioners cannot be acceded to since it is an admitted position that they participated in the 2016 selection process not as trained candidates. Therefore, today if Court allows this writ petition giving direction upon the concerned authority of the Board to disclose marks of the petitioners against training qualification, that would alter the panel position which ought not to be permitted at this stage.

7. But it needs to be recorded herein since petitioners obtained training qualification and subsequently certificates were issued to them on 23rd August, 2017 based on which ‘A’ category scale of pay was granted to them irrespective of disclosure of break-up of marks relating to their participation in 2016 selection process; they are required to be treated as trained candidates since in some other cases this Court has passed order directing the concerned authority of the Board to treat similarly situated candidates as trained candidates.

8. However, changing break up score of panel for the recruitment process of 2016 against empanelled candidates thereby showing marks against training qualification of petitioners is found to be impermissible since at the material point of time, they participated as untrained candidates.

9. With the above observations, writ petition stands disposed of.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)