

W.P.A. 12323 of 2025

**Palash Gayen
Vs.
The State of West Bengal & Ors.**

Mr. Firdous Samim
Ms. Gopa Biswas
Mr. Hasanuz Zaman
Mr. Moinak Ghosal
...for the petitioner

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
...for the State

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
...for the WBBPE

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner appeared in 2014 TET but was not qualified which debarred the petitioner from participating in 2016 selection process. Subsequently, selection process of 2020 was initiated by the respondent authorities where also petitioner at the beginning was not considered as eligible candidate to be appointed in the post of primary teacher. Issue was considered and due to intervention of Court petitioner was awarded six marks in connection with participation in TET 2014 that made the petitioner eligible to be considered for appointment to the post of primary

teacher in connection with 2020 selection process.

3. In the process of awarding six marks which brought the petitioner into zone of consideration delay occurred in appointing the petitioner in connection with 2020 selection process as a result whereof petitioner was appointed in March, 2022. According to the petitioner if petitioner would have been appointed along with other candidates who at the beginning of 2020 selection process were adjudged as eligible then petitioner could have been benefited.
4. Delay in appointing petitioner caused denial of service benefits which were enjoyed by similarly circumstanced other candidates who were appointed in time.
5. Mr. Biswas, learned advocate representing West Bengal Board of Primary Education and Mr. Chattopadhyay, learned advocate representing State respondents have jointly opposed the prayer made by the petitioner. It is submitted on behalf of Board that due to pendency of the issue before the Court timely steps could not be taken along with other candidates in respect of whom there was no dispute relating to awarding six marks.
6. It appears that due to non-awarding of six marks at right time petitioner was denied opportunity to be considered in 2016 selection process first and

subsequently in 2020 selection process there was delay in giving appointment. Had there been awarding of six marks at the right time petitioner would have been benefited by giving appointment earlier which could make the petitioner entitled to receive service benefits from earlier date.

7. In view of aforesaid situation concerned respondent authorities are directed to grant notional benefits to the petitioner from the date when other candidates were appointed in connection with 2020 selection process without subsequently awarding six marks.

8. Chairman concerned District Primary School Council is directed to fix pay of the petitioner reckoning grant of notional benefits from an appropriate date in terms of aforesaid direction and pay is to be fixed accordingly thereby consequential benefits to be allowed. However, it is clarified that petitioner is not entitled to get actual service benefits during the period before appointment. Fixation of date from which notional benefit is to be granted to the petitioner shall be made by the Chairman, District Primary School Council by passing an appropriate order within a period of 8 (eight) weeks from the date of communication of this order taking note of appointment of other candidates in the District in

connection with 2020 selection process without belated awarding of marks.

9. 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.)