

03.12.2025
Court No.13
Item No.2
AP

**FMA 1382 of 2024
With
CAN 2 of 2025
Ratan Kumar Dhara
Vs.
The State of West Bengal and Ors.**

Mr. Ujjal Ray
Mr. Atreya Chakraborty
.... For the Appellant.

Mr. Subhajit Chowdhury
.... For the State.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.... For the WBCSSC.

1. The present appeal is assigned to this Court arises out of an order dated 29th August, 2024 in WPA 12606 of 2023 passed by a Single Bench of this Court. The writ petitioner/appellant challenged the marks awarded to him in the OMR sheet for TET 2011. It was the case of the writ petitioner/appellant that he was falling short of 0.25 marks for qualifying in the said TET.

2. The Single Bench by reference to an order dated 8th May, 2023 passed by another Single Bench in CPAN 1323 of 2022 held that since in a contempt application filed by some writ petitioners, who challenged the marking of TET 2011, it was ordered that the contempt application should be disposed of, liberty was, however, reserved to the applicants to file separate proceedings in respect of not qualifying in the personality test, alleged non receipt/service of notice of personality test and non-disclosure of marks.

3. This Single Bench in the impugned order restricted any challenge to TET 2011 only to the aforesaid three categories of grievances. Such could not have been the intention of the earlier Single Bench. The same has been duly clarified by a coordinate Bench in its order dated 12th September, 2025 passed in MAT 1988 of 2024 (***Amit Kumar Das Vs. The State of West Bengal & Ors.***). It was held by a coordinate Bench that a challenge and/or grievance of a writ petitioner cannot be restricted to any particular category of grievance. An aggrieved person can indeed bring appropriate proceedings before this Court to challenge all and every grievances that he may have in respect of the said TET 2011.

4. Having regard to the above, this Court is of the view that the impugned order is not sustainable.

5. Even on merits, learned counsel for the appellant Mr. Ray has submitted that the School Service Commission has admitted that the petitioner has been given 5.25 marks less in the TET in one report and has gone on to state in the second report that the marks obtained by the writ petitioner stood at 53.75.

6. Therefore, cut off marks for general category candidates has mentioned in a report filed by the respondent Nos.3, 4 and 5, before this Court, being 54, the writ petitioner may have made out a case on merits since he falls short of only 0.25 marks.

7. These are prima facie observations of this Court. The Single Bench while taking up the matter afresh shall factor in all the reports and documents of the School Service Commission and consider whether a shortage of 0.25 marks is, in fact, genuine and whether the petitioner's score is above the cut off marks of 54 in the TET 2011.

8. For the reasons stated above, the impugned order shall stand set aside.

9. The writ petition is restored to its original file and number before the Single Bench. The writ petitioner may mention the writ petition for hearing afresh before the Single Bench and the same may be taken up by the Single Bench subject to its business permitting, at the earliest possible date.

10. With the aforesaid observations, FMA 1382 of 2024 is allowed and disposed of. Consequently, connected pending application being CAN 2 of 2025 is also disposed of.

11. There shall be no order as to costs.

12. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)