

11.12.2025
Sl. No.245(DL)
Ct. No.14
srm

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

WPA No. 27946 of 2025

Rahul Dutta

Versus

The State of West Bengal & Ors.

Mr. Firdous Samim,
Ms. Gopa Biswas,
Ms. Ankita Ghosh,
Mr. Md. Inzamamul Islam,
Ms. Salini Bhattacharjee

...for the Petitioner.

Mr. Subir Sanyal, Id. Sr. Adv.
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for WBBPE.

Mr. Supriyo Chattopadhyay,
Mr. Manoj Kumar Mondal

...for the State.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to allow the petitioner to fill up the application form for recruitment of Assistant Teacher in Classes I to V in pursuance of notifications dated 25th September, 2025 and 19th November, 2025.
3. The petitioner contends that he qualified in Teachers' Eligibility Test (*in short*, 'TET') of the year 2022. Since the certificate was not issued specifying the sub-category and the petitioner was not shown qualified in

TET, 2022, he filed a writ petition being WPA 14986 of 2024. Pursuant to the order passed in the writ petition the certificate has been issued, however, due to technical glitch the petitioner cannot participate and fill up the application form in the ongoing recruitment process. Hence, this writ petition.

4. Mr. Firdous Samim, learned Advocate for the petitioner submits that the petitioner qualified in TET, 2022 under the sub-category '*died-in-harness*'. The petitioner having qualified in TET, 2022 is eligible to participate in the recruitment process. The petitioner is not being allowed to take part in recruitment process as the Roll No.220419639885 of the petitioner appearing in the TET certificate has not been updated. For such reason, the application could not be filled up by the petitioner. He seeks for specific direction upon the West Bengal Board of Primary Education (*in short*, '*WBBPE*'), respondent No.3 to allow the petitioner to submit his application in respect of the ongoing recruitment process.
5. On the contrary, Mr. Subir Sanyal, learned Senior Advocate appearing for the WBBPE submits that the TET, 2022 certificate has been issued to the petitioner mentioning sub-category as "*died-in-harness*". The petitioner has been show to be qualified in TET 2022 after 5% relaxation in the marks was given as he applied in '*died-in-harness*' category. The petitioner cannot participate as a general candidate in the

ongoing recruitment process since his candidature is to be processed on the basis of his sub-category, i.e. '*died-in-harness category*'. With regard to the died-in-harness category a roster is being maintained by the authority concerned and the petitioner has to apply before the Chairman of the concerned Council for consideration of his employment on the basis of the qualification of TET as per Rule 20 of West Bengal Primary School Teachers Recruitment Rules, 2016 (*hereinafter referred to as 'the Recruitment Rules, 2016'*).

6. In reply, Mr. Samim, learned Advocate for the petitioner submits that the petitioner ought to be considered under the '*exempted category*' and the certificate can be used in any recruitment/selection process, which has also been observed in earlier round of litigation being WPA 14986 of 2024.
7. Admittedly, the petitioner participated in TET, 2022 in terms of notification published by the WBBPE on 29th September, 2022. The said notification prescribed 5% relaxation of marks in senior secondary or its equivalent examination including '*died-in-harness category*'. Since the petitioner was not shown qualified in TET, 2022, he filed a writ petition being WPA 14986 of 2024. Pursuant to the order passed in writ petition, the certificate of TET, 2022 in respect of the petitioner has been updated with sub-category '*died-in-harness*'.

8. Now, the petitioner intends to participate in the ongoing recruitment process which has been initiated *vide* notification dated 25th September, 2025. The petitioner has been given relaxation of 5% in qualifying marks in TET, 2022 as well as in the Higher Secondary or equivalent examination since he applied seeking appointment as a teacher under the said category i.e. '*died-in-harness*'.
9. At this stage, it would be profitable to reproduce Rule 20 the Recruitment Rules, 2016 as hereunder:

“20. Compassionate Appointment. – If the family of a deceased primary school teacher (while in service) or the primary school teacher retired on being permanently incapacitated before 58 years in the financial hardship and needs financial assistance and the same is absolutely necessary to support the family, application for appointment to the post of primary school teacher is to be submitted within two years from the date of death or retirement on permanent incapacitation:

Provided that the applicant seeking appointment as a primary school teacher under this category shall be allowed relaxation upto 5% in the qualifying marks in TET as well as marks in the Higher Secondary or equivalent examination:

Provided further that the applicant has to complete the age of 18 years as on 1st of January of the year of advertisement:

Provided also that the expression of financial hardship and the definition of family shall be taken into account as specified in Schedule V of the West Bengal School Servicer Commission (Selection of Persons for appointment to the Post of Non-Teacher Staff) Rules, 2009.”

10. Rule 20, as aforesaid, clearly lays down the procedure by which a person can seek for appointment under '*died-in-harness*' category. Needless to mention that the *died-in-harness* category has not been included in the recruitment notification dated 25th September, 2025.

11. Mr. Samim learned Advocate for the petitioner tried to impress upon the Court that the petitioner comes under the '*exempted category*' of recruitment notification. This Court differs from such submission for the reason that the Recruitment Rules, 2016 has specifically laid down the process of appointment on '*died-in-harness*' category. The petitioner who himself has applied for '*died-in-harness*' category and on the basis of such application has been granted 5% relaxation in marks cannot change his category to '*general*' or '*exempted category*'.
12. With utmost humility, this Court differs from the observation of the Co-ordinate Bench of this Court in WPA 14986 of 2024 that it would be open to the petitioner to participate in subsequent recruitment process initiated by the Board, in view of the existing Rule 20 of Recruitment Rules, 2016 which clearly stipulates the procedure for appointment on compassionate ground.
13. In light of the above discussion, this writ petition being **WPA 27946 of 2025** falls short of merit and accordingly, is dismissed.
14. Interim order, if any, stands vacated.
15. All connected applications, if any, stand disposed of.
16. There shall be no order as to costs.
17. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

18. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)