

Form No. J.(2)
Item No. 79
AB

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Aniruddha Roy

W.P.A. 1317 of 2025

Dipti Das

Vs.

The State of West Bengal & Ors.

For the petitioner	:	Mr. Ali Ahsan Alamgir, Advocate Mr. Arijit Ghosh, Advocate
For the State	:	Mr. Pretom Das, Advocate Mr. Anirban Banerjee, Advocate
For the DPSC Coochbehar	:	Ms. Mousumi Bhowal, Advocate
Heard on	:	September 2, 2025
Judgment on :	:	September 2, 2025

Aniruddha Roy, J.

Affidavit of service filed on behalf of the petitioner is taken on record.

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.

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.

Delay in appointing petitioner caused denial of service benefits which were enjoyed by similarly circumstanced other candidates who were appointed in time.

In the above circumstance, the petitioner claims notional benefit.

Learned advocates representing the respondent authorities oppose the prayer of the petitioner. It is submitted on behalf of the board that, due to pendency of the issue before the Court the steps could not be taken along with other candidates where there were no dispute relating to awarding of six marks.

Learned counsel for the petitioner has placed reliance upon a judgment of the co-ordinate bench dated **July 15, 2025 In the matter of Rima Nechha Vs. The State of West Bengal & Ors.**, rendered in **WPA 12757 of 2025**, the co-ordinate bench had observed as under:

“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.”*

The parties have confirmed that the said judgment dated **July 15, 2025** still holds the field and no appeal has been carried out.

Learned counsel for the petitioner submits that, the present writ petitioner is similarly circumstanced and placed with that of the petitioner in **WPA 12757 of 2025** and as such the same benefit should be extended to this petitioner also.

Accordingly, *‘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.'

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

With the above observations and directions, this writ petition **W.P.A. 1317 of 2025** stands **disposed of**, without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)