

19.02.2026
Sl. No.254-256(DL)
Ct. No.14
srm

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

**WPA 3198 of 2026
Nachiketa Nag & Ors.
Versus
The State of West Bengal & Ors.
with
WPA 3203 of 2026
Sadaf Yasmeen
Versus
The State of West Bengal & Ors.
with
WPA 3210 of 2026
Debasish Das & Anr.
Versus
The State of West Bengal & Ors.**

Mr. Fidous Samim,
Ms. Gopa Biswas,
Mr. Hasanuz Zaman Molla,
Ms. Ankita Ghosh,
Ms. Hena Sardar,
Mr. Ayush Majumdar,
Mr. Rajosik Dutta

... for the Petitioners
(in WPA 3198 of 2026 &
WPA 3203 of 2026)

Mr. Anindya Lahiri, Sr. Adv.
Ms. Pranati Das,
Mr. Biplab Pal,
Mr. Subhomoy Paul,
Mr. Anish Chakraborty

...for the Petitioners
(in WPA 3210 of 2026)

Mr. Subir Sanyal, Sr. Adv.
Mr. Dwarikanath Mukherjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE
(in all writ petitions)

Ms. Pramiti Bandopadhyay,
Mr. Akash Dutta

...for the State.
(in WPA 3198 of 2026)

Mr. Malay Kumar Singh,
Mr. Sabyasachi Mukherjee

...for the State

(Ms. Pramiti Bandopadhyay,
Mr. Akash Dutta

...for the State.
(in WPA 3203 of 2026)

Mr. Amitava Mitra,
Mrs. Ujani Pal (Samanta)

...for the State
(in WPA 3210 of 2026)

1. Since the subject matters pertaining to the present writ petitions are similar, hence these matters are taken up analogously.
2. Affidavits-of-service filed on behalf of the petitioners in all the writ petitions are taken on record.
3. In the aforesaid writ petitions, the petitioners have sought for directions to allow them to participate in Teacher Eligibility Test (*in short "TET"*) which is to be conducted *vide* Notification under Memo No.2061/WBBPE/2025/60R-09/25 dated 15th September, 2025.
4. The writ petitioners contend that they are pursuing courses approved by the Rehabilitation Council of Indian (*in short, "RCI"*) for special education as required for appointment to the post of Special Education Teacher in primary schools. The petitioners claim that they should be allowed to participate in TET examination as a pursuing candidate.
5. Mr. Firdous Samim, learned Advocate for the petitioners in WPA 3198 of 2026 and WPA 3203 of 2026 submits that the pursuing candidates have been allowed by this Court in batch of writ petitions to participate in the TET examination in terms of Notification dated 15th September, 2025 *vide* order dated 2nd December, 2025. The petitioners are similarly circumstanced and as such they may also be allowed to participate in the TET examination. Although the writ petitions have been filed after the last date of submission of application i.e. 2nd

December, 2025, however such aspect would not restrict the authorities to accept the candidature of the petitioners to participate in the TET examination. He submits that in the year 2022, the Board issued a notification, allowing all the pursuing candidates to participate in the TET examination. To buttress his contention, he relies on the decisions of the Hon'ble Supreme Court:

(i) ***Lt. Col. Suprita Chandel versus Union of India & Ors.*** reported in **2024 SCC OnLine SC 3664**;

(ii) ***K.I. Shephard & Ors. versus Union of India & Ors.*** reported in **(1987) 4 SCC 431**.

6. On the prayer of the learned Senior Advocate for the petitioners in WPA 3210 of 2026, leave is granted to file supplementary affidavit. Copy served.
7. Supplementary affidavit filed on behalf of the petitioners in the aforementioned writ petition is taken on record.
8. Mr. Anindya Lahiri, learned Senior Advocate appearing for the petitioners in WPA 3210 of 2026 in similar breath submits that since the petitioners are similarly circumstanced and the findings in the judgment of this Court in the earlier writ petition is a judgment in *rem*, hence it is equally applicable to all the persons similarly circumstanced irrespective of the fact that the writ petition has been filed belatedly. The normal rule is when a particular set of candidates are given relief by the Board, all other identically situated

persons need to be treated alike by extending the same benefits. To buttress his contention he relies on the decision of the Hon'ble Supreme Court passed in ***State of Uttar Pradesh & Ors. versus Arvind Kumar Srivastava & Ors.*** reported in ***(2015)1 SCC 347***.

9. On the contrary, Mr. Subir Sanyal, learned Senior Advocate appearing for the West Bengal Board of Primary Education submits that the petitioners have filed the writ petitions seeking for similar relief after almost two months of the last of date submissions of application i.e. 2nd December, 2025. There is no such plausible reason for such delay being depicted in the pleadings of the writ petitions. Since the petitioners have approached this Court at a belated stage such prayer for participating in TET examination cannot be allowed. To buttress his contention, he relies on the decision of the Hon'ble Supreme Court passed in ***State of Uttar Pradesh & Ors. versus Pankaj Kumar*** reported in ***(2022) 1 SCC 335***,
10. Upon hearing the learned Advocates for the respective parties, the only issue which falls for consideration is whether the petitioners being similarly circumstanced as that of the petitioners in the earlier writ petitions be allowed to participate in the ongoing TET examination or not in terms of notification dated 15th September, 2025.
11. Admittedly, the last date for filling up of the application forms for participating in the TET

examination pursuant to the Notification dated 15th September, 2025 has already elapsed, the last date for submission of application being 2nd December, 2025. Some of the candidates approached this Court in WPA 27540 of 2025 and other batch of writ petitions wherein this Court has directed the Board to allow the petitioners therein to participate in the TET examination. Needless to mention that the aforementioned writ petitions were filed prior to the last date of submission of application forms. It is found that the present writ petitions have been filed on 9th February, 2026, i.e. after almost two months of closure of submission of application forms.

12. At this juncture, the pertinent question, which needs to be examined, is whether the petitioners only being similarly circumstanced, may be extended the benefit at a belated stage.
13. In order to examine the aforesaid aspect, it would be profitable to reproduce the relevant observation of the Hon'ble Supreme Court as hereunder.
14. The Hon'ble Supreme Court in the decision of *Arvind Kumar Srivastava (supra)* observed as follows:

“22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the d normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason

that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

15. In *Pankaj Kumar (supra)*, the Hon’ble Supreme Court in paragraph 11 observed as follows:

“11. Further, from the very nature of consideration made by the High Court. it is seen that it was the casual attitude of the respondent which had brought about the situation though the High Court has mildly put it as, inadvertence and provided an opportunity. It is no doubt true that as contended by the respondent in the objection statement, an opportunity was granted to about 151 candidates to take part in the selection process as indicated in the notice dated 14-1-2019 issued pursuant to directions issued by the High Court in the writ petitions which were filed. It is to be noticed that the respondent was not vigilant at the earliest point in time but it is only after such consideration had been made by the High Court and an opportunity was granted to certain other persons, the respondent had chosen to file the writ petition by merely contending that he had made a request to permit him to take part in the process on 15-1-2019 and he had not been permitted.”

16. In the decision *Lt. Col. Suprita Chandel (supra)* in para 16 it has been observed as follows:

“16. No doubt, in exceptional cases where the court has expressly prohibited the extension of the benefit to those who have not approached the court till then or in cases where a grievance in personam is redressed, the matter may acquire a different dimension, and the department may be justified in denying the relief to an individual who claims the extension of the benefit of the said judgment.”

17. It is found that the writ petitioners did not approach the Court at the earliest point of time and it is only after consideration has been made by this Court allowing the prayer of certain candidates, they have filed the present writ petitions belatedly. Though the normal rule is that when a particular set of candidates are given a relief, all other similarly circumstanced candidates ought to be extended the same relief. However, the Hon’ble Supreme Court in *Arvind Kumar Srivastava (supra)* has noted an exception to such rule in paragraph No.22.2, which precisely applies to the

case of the present petitioners. Thus, bearing in mind the proposition as laid down by the Hon'ble Supreme Court and since there is delay on the part of the petitioners to approach the Court, similar benefit cannot be extended to them.

18. Further it is placed on record that in earlier writ petitions it was made clear that the order would be restricted to the petitioners only.
19. In light of the above discussion, the writ petitions fall short of merit.
20. Accordingly, the writ petitions being **WPA 3198 of 2026, WPA 3203 of 2026** and **WPA 3210 of 2026** stand dismissed.
21. Since no affidavits have been called for, the allegation made in the writ petitions is deemed to be not admitted,
22. Interim order, if any, stands vacated.
23. All connected applications, if any, stand disposed of.
24. There shall be no order as to costs.
25. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
26. 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.)