

17.04.2026
Sl. No.3
Ct. No.14
ss

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

W.P.A. No. 3926 of 2024

**Dipankar De
Versus
The State of West Bengal & Ors.**

Mr. Chittapriya Ghosh
Mr. Somesh Ghosh
Mr. Kuntal Ray
Mr. Suman Mukherjee

...for the Petitioner.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... for the WBBPE

1. By the present writ petition, the petitioner seeks direction upon the respondent authorities to treat the petitioner as a fresh candidate and empanel him being eligible candidate for appointment to the post of Assistant Teacher in Bengali medium primary school pertaining to recruitment process initiated under Notification No.1573/WBBPE/2022 dated 29th September, 2022 read with Recruitment Notification No.1573(Part-I)/WBBPE/2022 dated 21st October, 2022 and for issuance of appointment letter in favour of the petitioner.
2. The petitioner contends that he participated in the recruitment process of 2022. The petitioner was called for interview. Prior to that, the petitioner also participated in the recruitment process of 2016 and

successfully qualified, but he did not join at that point of time. The candidature of the petitioner for recruitment process of 2022 was not considered as he was considered as in-service candidate. As the petitioner did not join pursuant to recruitment process of 2016, hence he cannot be treated as an in-service candidate. Being aggrieved by the action of the respondent authorities the petitioner her filed the present writ petition.

3. Mr. Chittapriya Ghosh, learned Advocate appearing on behalf of the petitioner submits that though the petitioner was successful in the recruitment process of 2016, however, he did not join. The petitioner participated in the recruitment process of 2022 but his candidature was not considered since he was considered as an in-service candidate. The decision in *Manidipa Purkait & ors. –versus- The State of West Bengal & ors. (In re: WPA 24562 of 2022)* though precludes an in-service candidate to participate in the recruitment process of 2022 but it does not apply in case of the petitioner since he has not joined in service. As per the report of the Board the petitioner is empanelled as para-teacher Unreserved category at serial no.7650A. He seeks for specific direction for issuance of appointment letter in favour of the petitioner. To buttress his contention he relies on the decision of coordinate Bench of this Hon'ble Court in *Saikat Chatterjee –versus- The State of West Bengal*

(WPA 2622 of 2025) and of this Court passed in *Bhusan Kumar Das -versus- State of West Bengal & ors.* (WPA 3453 of 2025).

4. Mr. Ratul Biswas, learned Advocate appearing on behalf of the West Bengal Board of Primary Education submits that the Board did not have the information that the petitioner being successful candidate in recruitment process of 2016 has actually did not join in service. Be that as it may the panel has already expired of recruitment process of 2022.
5. Admittedly, the petitioner participated in the recruitment process of 2016 and was successful. However, he did not join the service. Therefore, the direction in *Manidipa Purkait (supra)* which precluded in-service candidate from participating in recruitment process of 2002 does not apply in case of the petitioner.
6. As per the report furnished by the Board the petitioner is empanelled in the State-wise merit position under Bengali medium (preferred medium by the petitioner) as para-teacher unreserved category at 7650A.
7. In view of the above, the respondent no.5, the Secretary, West Bengal Board of Primary Education is directed to consider the candidature of the petitioner as fresh in respect of primary teacher recruitment process of 2022 and recommend the name of the petitioner for his appointment as Assistant Teacher,

- before the appropriate authority, in accordance with law, if otherwise found to be eligible, expeditiously.
8. It is made clear that this order is restricted to the petitioner only and shall not be treated as a precedent.
 9. With the above direction, the writ petition being **WPA 3926 of 2024** stands disposed of.
 10. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
 11. Interim order, if any, stands vacated.
 12. All connected applications, if any, stand disposed of.
 13. There shall be no order as to costs.
 14. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
 15. 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.)