

09.03.2026
Sl. No.73
Ct. No.14
ss

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

W.P.A. No. 16533 of 2025

**Moupiya Koley
Versus
The State of West Bengal & Ors.**

Mr. Bhagbat Chaudhuri

...for the applicant

Mr. Biswabrata Basu Mallick

Mr. Biman Halder

Mr. Amman Arif Ansari

.... for the D.P.S.C., Hooghly

Mr. Ratul Biswas

Mr. Koushik Chowdhury

... for the WBBPE

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition the petitioner seeks notional benefits as an Assistant Teacher in the primary school with effect from February, 2017.
3. The petitioner contends that the petitioner could not participate in the recruitment process initiated vide Advertisement dated 29th September, 2016, since initially she was declared to be unqualified in Teachers Eligibility Test (*in short, 'TET'*) 2014. By an order passed in writ petition being WP 23006 (w) of 2017, the petitioner was awarded six marks and was declared qualified in TET, 2014. Subsequently, the petitioner appeared in the recruitment process of the year 2020 and appointment has been given in the

year 2022. The petitioner seeks notional benefits with effect from February, 2017. Hence, this writ petition.

4. Mr. Bhagbat Chaudhuri, learned Advocate appearing on behalf of the petitioner submits that since the petitioner could not participate in the recruitment process initiated in the year 2016 due to wrong committed by the respondent Board, initially declaring her as an unsuccessful candidate in TET, 2014, she could not avail the benefit of the recruitment initiated in the year 2016. Subsequently, the petitioner has participated in the recruitment process of 2020 on the basis of her qualification in TET, 2014 after awarding of six marks to the petitioner and has been given appointment in the year 2022. Relying on the decision of the Coordinate Bench of this Court in *Soham Roy Choudhury & ors. Vs. The State of West Bengal & ors. (WPA 20983 of 2024)* he seeks notional benefits from February, 2017.
5. On the contrary, Mr. Ratul Biswas, learned Advocate appearing on behalf of the West Bengal Board of Primary Education submits that the petitioner was declared TET qualified after awarding six marks pursuant to the order passed by this Hon'ble Court. Thereafter, the petitioner has participated in the recruitment process of 2020 and has accepted the appointment letter issued in her favour. Since the appointment of the petitioner is not pertaining to the recruitment process, which was initiated in the year 2016, the petitioner cannot claim notional benefits

from February, 2017. He seeks for dismissal of the writ petition.

6. Mr. Biswabrata Basu Mallick, learned Advocate for the District Primary School Council, Hooghly also submits in the similar fashion.
7. It is not in dispute that the petitioner was not a participating candidate in recruitment process of 2016.
8. Admittedly, the petitioner was declared qualified in TET, 2014 after awarding of six marks pursuant to order passed by this Court on 3rd October, 2018 in WPA 23006 of 2017. After being declared qualified, the petitioner participated in the recruitment process of 2020 and appointment letter was issued to her on 24th November, 2022. The petitioner has accepted such appointment pertaining to recruitment process of 2020 and has joined as well. As the petitioner was not born in the cadre prior to recruitment process of 2020, she cannot claim any notional benefit from February, 2017 basing on recruitment process which was initiated in the year 2016.
9. In view of the above, the writ petition falls short of merit.
10. Accordingly, the writ petition being **WPA 16533 of 2025** stands dismissed.
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.)