

110 20.7.2023

Ct-08

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MAT 229 of 2023

with

I.A No. CAN 1 of 2023

Md. Asraful Ali

Vs.

State of West Bengal & Ors.

Mr. Gouranga Kumar das

Ms. Swati Mondal

... For the Appellant

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

... For W.B.B.S.E

Mr. Bhaskar Prosad Vaisya, Ld. AGP

Mr. Sanjib Das

Mr. Madhusudan Mukhopadhyay

... For the State

The report filed by the Deputy Secretary, West Bengal Board of Primary Education is taken on record. It appears that the last of the seven panels published by the Board for the 2016 recruitment process was on 24th September, 2018. The life of the 2016 panel expired on 23rd September, 2019 in terms of the statutory rules.

Justice Samapti Chatterjee passed an order on 11th January, 2018 directing the Secretary, West Bengal Board of Primary Education to consider the representation of the petitioner as there was a bona fide mistake to mark against Bengali as medium though the writ petitioner filled all documents regarding medium as Bengali in OMR Sheet. It is an admitted position

that a decision on consideration of the OMR Sheet was not taken within six weeks from the date of communication of the order dated 11th January, 2018. If such mistakes were allowed to have been corrected within the time stipulated by Justice Samapti Chatterjee, then the appellant would have been entitled to be considered for the selection process initiated in the year 2016. The life of the 2016 panel expired on 23rd September, 2019. This was a clear act of non-compliance of the aforesaid order and because of such lackadaisical attitude on the part of the respondent authorities, the candidature of the writ petitioner could not be considered.

The learned counsel for the Board has submitted that the OMR sheet of the appellant could not have been considered at all due to such mistake. The report of the Board does not indicate such reason for denial of the candidature of the appellant for 2016 recruitment process. The appellant, however, has been allowed to participate in the selection process of 2022 on the basis of TET qualification.

Since it was a gross dereliction of duty on the part of the Board, they must reconsider the

decision.

We adjourn this matter for two weeks to enable the Board to take an appropriate decision.

All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Uday Kumar, J.)

(Soumen Sen, J.)