

10.08.2023
SL No.140
Court No.8
(gc)

**MAT 229 of 2023
CAN 1 of 2023**

**Md. Asraful Ali
Vs.
The State of West Bengal & Ors.**

Mr. Gouranga Kumar Das,
...for the Appellant.
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
...for the W.B.B.P.E.
Mr. Bhaskar Prasad Vaisya, Ld. A.G.P.,
Mr. Sanjib Das,
Mr. Madhusudan Mukhopadhyay,
...for the State.

1. We have considered the report filed by the Deputy Secretary, West Bengal Board of Primary Education.
2. It appears that on 24th May, 2018, the Secretary of the West Bengal Board of Primary Education after hearing the writ petitioner and on inspection of the photocopy of the OMR Sheet, annexed to the writ petition that was treated as his representation in terms of the order of the learned Single Judge found that there was no mention of the Medium Code, which the petitioner has admitted himself. This was the mistake of the petitioner. The petitioner was aware of the observation of the Secretary at the time of hearing.

Subsequently, the writ petitioner filed another writ petition being WPA 5277 of 2021 in which the Hon'ble Court was pleased to direct the Board to evaluate the OMR Sheet of the petitioner manually and intimate the marks obtained by the petitioner by treating the medium of instruction as Bengali.

3. On the basis of the aforesaid order on evaluation of his OMR Sheet considering his medium of instruction as Bengali, the petitioner has secured 104 out of 150 marks in TET-2014 and was declared TET-2014 qualified. He was allowed to participate in the 2022 recruitment process and he participated in the interview of 2022 recruitment process on 12/05/2023. The 2016 recruitment process had met its logical end and the vacancies have been exhausted.
4. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge.
5. The appeal fails.
6. The instruction of the Board duly signed by the Deputy Secretary, West Bengal Board of Primary Education is kept with the record.

7. Accordingly, the appeal and the connected application stand dismissed.
8. However, there shall be no order as to costs.
9. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)