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14.08.2024
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A 19147 of 2024

**Sumit Mukherjee
-versus
The State of West Bengal & Ors.**

**Mr. Ashis Kumar Chowdhury,
Mr. Rajib Ghosh,
Mr. Babhru Bahan Bera,
Mr. Avisek Chatterjee.
...For the Petitioner.**

**Mr. Bhaskar Prasad Vaisya,
Mr. Suman Dey.
...For the State.**

**Mr. Pinaki Bhattacharya.
...For DPSC, North 24-Pgs.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner participated in the recruitment process for appointment of a primary school teacher in the year 2009. The panel in question from where appointment is being given has been published in the year 2021.

The petitioner sought information under the Right to Information Act, 2005 and got to learn that he secured more marks than the marks obtained by the last empanelled candidate in the same category. It has been submitted that the petitioner should also be appointed.

Learned advocate appearing on behalf of the council North 24-Parganas, DPSC relies upon the order passed by a coordinate Bench of this Court on 25th April, 2024 in a series of writ petitions first of which is WPA 20966 of 2022 with CAN 1 of 2024 (Kakali Mondal vs. The State of West Bengal Ors.) wherein the Court directed that the North 24-Parganas, DPSC and the State shall ensure that the marks of all the writ petitioners in the written examination, aptitude test and interview are published on the website in descending order. After verification of records, writ petitioners and added parties shall be accommodated and given letters of appointment.

If the vacancies are exhausted, the Council shall publish a list of wait listed candidates and such panel shall be kept alive until vacancies continue and arise and all the petitioners are appointed.

The Council is directed to file a report by way of affidavit disclosing whether the vacancies are still available for appointment. If that be so, then whether the case of the petitioner can be considered for providing appointment as he claims to have secured more marks than the last empanelled candidate in his category.

Let such affidavit be prepared and served upon the learned advocate appearing on behalf of the writ petitioner by 30th August, 2024.

List on 4th September, 2024.

(Amrita Sinha, J.)