

29
30.06.2021
KC

WPA 10789 of 2021

(Via Video Conference)

Abhijit Ghosh

Vs.

The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharya

Mr. Dibyendu Chatterjee

Mr. Firdous Samim

Mr. Pritam Majumdar

Ms. Reshmi Ghosh

Ms. Piyali Pal

Ms. Gopa Biswas.

... for the petitioner.

Dr. Chapales Bandyopadhyay

Mr. Joydip Banerjee.

... for the State.

It has been alleged by the petitioner that the similar mistakes that occurred in the selection process set aside by this Court on 11th December, 2020 in WPA No. 9597 of 2019 and other related matters have been committed by the West Bengal Central School Service Commission (SSC). The petitioner has pleaded in paragraph 17 of the writ application the irregularity in distribution of marks by comparing the marks of the petitioner and the marks awarded to the private respondent no. 5.

Learned advocate appearing for the petitioner Mr. Bhattacharya has submitted that several other writ

applications are pending in today's list with similar allegations against SSC.

Learned advocate for SSC submits that there is no mistake and they have followed by letter and spirit the orders passed by the Hon'ble Court in the above referred batch of writ applications wherein judgment was delivered on 11.12.2020.

I am prima facie satisfied that a case has been made out by the petitioner, as appears from paragraph 17 of the writ application. There is no explanation of the SSC today in respect of the irregularity. Learned advocate for SSC has submitted that as the selection process was cancelled by this Court's order dated 11.12.2020, the marks granted to the candidates in the said selection process could not be considered for the fresh selection process, which has been initiated pursuant to the said order of this Court. I fail to understand how because of setting aside of the selection process, the marks against the educational qualification of the candidates can be obliterated or altered. Due to setting aside of the selection process the qualifications of the candidates have not been set aside and it cannot be so. No explanation has been given as to how the private respondent can be

included in the interview list but the petitioner has not been included in the said list though the petitioner has obtained higher marks than the private respondent. In such circumstances, I direct SSC not to take any further steps in the selection process they have initiated pursuant to the order passed by this Court on 11th December, 2020 in WPA 9597 of 2019 and other related matters until further orders.

I direct the petitioner to collect other similar writ application numbers pending before this Court as he has submitted that other similar matters are also pending before this Court by tomorrow and to place those writ application numbers before this Court by way of mentioning for which he is granted liberty to appear physically. In my view, the allegations require thorough checking. It appears to me that the respondents concerned are under thorough misconception about the law of recruitment for the school teachers and that is why such meaningless submissions that because of setting aside of the recruitment process the marks cannot be given against the qualifications of the candidates have been made. The respondents have failed to understand, it appears, by setting aside of the recruitment process, for example, a graduate cannot become a non-graduate, he remains a

graduate.

The petitioner is directed to serve copy of this writ application and also the numbers of other writ applications which he will supply to this Court tomorrow to the Government Pleader's Office in the course of the day.

This matter will appear, as requested by the learned advocate for the State respondent, on Friday i.e. on 2nd July, 2021 at 12.30 P.M. for further hearing

(Abhijit Gangopadhyay, J.)