
(2019) 01 CAL CK 0008
In the Calcutta High Court
Case No : Writ Petition No. 9724 (W) Of 2018

Barnali Ghosh

APPELLANT

Vs

State Of West Bengal & Ors.

RESPONDENT

Date of Decision : 02-01-2019

Acts Referred:

Citation : (2019) 01 CAL CK 0008

Hon'ble Judges : Shampa Sarkar, J

Bench : Single Bench

Advocate : Mahbub Asfakul Zinna, Bhaskar Prasad Vaisya, Sagnik Chatterjee,
Kanak Kiran Bandopadhyay

Final Decision : Disposed Off

Judgement

This is an application filed for setting aside the order of rejection of the candidature of the petitioner thereby not allowing the petitioner to appear at the personality test for recruitment as an Assistant Teacher, 2016 in upper primary level in schools.

Pursuant to the earlier order of a learned Single Judge of this Court, the petitioner has also filed a supplementary affidavit by which the petitioner has contended that mentioning the passing of TET 2015 instead of TET 2011 was a mistake.

The contentions of the petitioner is seriously opposed by the learned Advocate appearing for the School Service Commission. His first contention is that by filing the supplementary affidavit, the petitioner has expanded the scope of writ petition. He further submitted that in the writ petition, the petitioner was aggrieved by the order of rejection of her candidature to appear in the personality test in 2016 selection process but by filing supplementary affidavit the petitioner was trying to cover up the lacuna in the writ petition by bringing in the story of bona fide mistake in mentioning TET 2015 marks instead of TET 2011 marks. According to him, the petitioner had consciously mentioned her

2015 TET result because she had got higher marks and she could get more weightage.

Admittedly, the petitioner's candidature has been rejected as per the rules and this Court cannot direct the authorities to take into account the marks of TET 2011, which was not mentioned by the petitioner in the application.

However, if the petitioner so desires, she may make an application before the authority concerned as the selection process is still at its initial stage for condonation of the mistake in mentioning TET 2015 marks instead of TET 2011 marks and if the authorities otherwise find that the petitioner had actually made a bona fide mistake and not a conscious attempt to mention higher marks in order to get weightage, the authority may decide the matter in accordance with law.

The petitioner will make an application within a period of 10 days from date before the Secretary, West Bengal Central School Service Commission who will consider and dispose of the same after hearing all the parties within a period of 10 days from the receipt of the said application and shall inform the reasoned order to the petitioner within a week thereafter.

This writ petition stands disposed of.

There will be, however, no order as to costs.

Urgent photostat certified copy of this order be given to the parties on priority basis.