



West Bengal Board of Primary Education

"Acharya Prafulla Chandra Bhavan", DK 7/1, Sector II, Bidhannagar, Kolkata 700091

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Memo No. 608/WBBPE/2023

Date : 14.03.2023

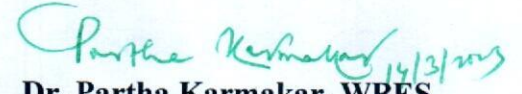
NOTIFICATION

FOR

UPLOADING COURT ORDER

I do hereby upload the order of the Honourable High Court at Calcutta passed on 01/03/2023 in respect of WPA 24562 of 2022 [Manidipa Purkait & Ors. Vs. The State of West Bengal & Ors.] by the Honourable Justice Abhijit Gangopadhyay for the intimation of all concerned in the websites of the Board (www.wbbpe.org and <https://wbbprimaryeducation.org>).

Encl. : Court Order


Dr. Partha Karmakar, WBES
Deputy Secretary

01.03.2023

BP
Sl. 84
Court No. 17

WPA 24562 of 2022

Manidipa Purkait & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
..for the petitioners

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
..for the Board

Affidavit of service and the document showing payment of full court fees are kept on record.

The petitioners have assailed the decision of the West Bengal Board of Primary Education to permit the in-service teachers to participate in the recruitment process of 2022.

Learned advocate for the petitioners submits that prior to this recruitment process, the in-service teachers were never allowed to participate in a future recruitment process. He further submits that if the in-service teachers are allowed to participate in the present recruitment process their opportunity to get service will be narrowed down for the persons who are the aspirants to get the job of a teacher in a primary school. Apart from that, regarding in-service teachers several matters are pending before this court and judgments are yet to be delivered on completion of

hearing and at this stage in-service teachers cannot be allowed to be recommended and absorbed in some other schools during the pendency of the applications as a large number of teachers may lose their jobs for different illegalities and for such teachers the present aspirants cannot be deprived of their opportunity to be appointed as some of the vacancies would be filled up by in-service teachers. If some of such in-service teachers' jobs are terminated for past illegalities a complicated situation would arise by which the present fresh aspirants would suffer. Furthermore there is a transfer policy of the government and if the in-service teachers want transfer they should take recourse to the said transfer policy.

Learned advocate for the West Bengal Board of Primary Education has vehemently opposed these prayers of the petitioners and have submitted that the interview process is continuing since December 26, 2022 and some in-service teachers' interview are already complete. Therefore, if any order restraining the in-service teachers from participating in the present selection process of 2022 is passed they would be seriously jeopardised.

I hold that a candidate's interest who is already in service, will not be jeopardised if he is not allowed to

participate in a subsequent recruitment process because he is already in service. Apart from that if it is found in the cases pending before this court in respect of the past recruitment of Assistant Teachers that they were appointed in breach of the rules illegally their new appointment as in-service teachers will create an imbroglio in the clear process of law as to termination of their service in the new post.

After considering the submissions of the parties, I direct that there shall be an interim order restraining the respondents and their men and agents specially the respondent nos. 3, 4 and 5 from permitting any in-service candidates to get opportunity to select a vacancy in the present selection process of 2022. The in-service candidates, who have been given opportunity to appear in the interview shall also not be allowed further in the recruitment process of 2022 by this restraining order for recommendation and appointment.

Affidavit in opposition is to be filed by four weeks from date. Reply thereto, if any, be filed by two weeks thereafter.

Liberty to mention after expiry of the said six weeks period.

Interim order will continue till the disposal of the writ application.

The Deputy Secretary of the West Bengal Board of Primary Education is directed to upload this order of this court in web-site of the Board for the intimation of all concerned.

The matter is marked as heard in part.

(Abhijit Gangopadhyay, J.)