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31-12-2020  
Court No. 6  
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**WPA 11969 of 2020**

**Bidisha Mandal and another  
-Vs-  
State of West Bengal & ors.**

**(via video conference)**

Mr. Sk. Sahjahan Ali

..... for the petitioners

Mr. Supriyo Chattopadhyay

Mr. Suman Dey

...for the State

Mr. Subir Sanyal

Mr. Ratul Biswas

.....for the Board

This is an application praying for cancellation of the orders of rejection of the online applications of the petitioners filed as per the notification dated 23<sup>rd</sup> December, 2020 and/or in the alternative, for provisionally allowing the petitioners to submit the OBC-A certificate offline before the Secretary, West Bengal Board of Primary Education being the respondent no. 4 for verification/scrutiny of the testimonials for ascertainment of training qualification of TET 2014 qualified trained candidates beyond December 2020.

An affidavit of service filed on behalf of the petitioners is taken on record.

Learned Counsel for the petitioners submits as follows. Although the petitioners passed TET examination in 2014 as general candidates, subsequently they were issued OBC-A certificates in 2014 and 2016. Due to inadvertence, they could not intimate the Board about this. The petitioners may be treated as reserved category candidates and it may be seen whether they qualify for applying for the post.

Learned counsel appearing on behalf of the respondent nos. 2 and 3 submits as follows. Although the petitioners' claim that they had obtained OBC certificates in 2014 and 2016, they did not intimate this to the Board. In fact, they had passed the test as General Candidates in 2014. If the OBC certificates are to be taken into consideration, they had to be authenticated first. The petitioners may make representations before the Board to consider their OBC certificates. However, such step has to be taken at the earliest, positively within 4<sup>th</sup> January, 2021.

I have heard the submissions of the learned counsels appearing on behalf of the parties.

It is claimed by the petitioners that although they had qualified a TET examination as General candidates, subsequently they are able to obtain OBC certificates. However, due to inadvertence, the same could not be communicated to the Board.

In the interest of justice, the fact that they are in possession of OBC certificates ought to be taken into consideration by the Board for further processing of their applications.

In view of the exigency and considering the submissions made on behalf of the respondent nos. 2 and 3, the impugned rejections are set aside, the petitioners shall be at liberty to make representations before the Board within 4<sup>th</sup> January, 2021 to consider their OBC-A certificates by placing self-attested copies of the same, producing the originals for verification by the concerned authority and by filing affidavits affirmed before a Notary about having been issued such certificates. In the event such representations are made within the stipulated time, the Board shall consider them in accordance with law.

It is clarified that this Court has not dealt with the issue about whether, as reserved candidates, the petitioners satisfy the eligibility criteria to apply for the posts.

With these observations, the writ petition is disposed of.

The parties shall act on the basis of copy of the order downloaded from the official website of this Court.

**(Jay Sengupta, J.)**