7th October, 2026
(D/L No.19)
Ct. No.4
(SKB)

M.A.T. 2075 of 2025
With
CAN 1 of 2025

Dola Dey
Versus
State of West Bengal and others

Mr. Sudip Ghosh Chowdhury,
Ms. Pritha Biswas,
Ms. Upasana Sarkar
… for the appellant.

Mr. Nilanjan Bhattacharjee,
Mr. Indranil Roy, Sr. Adv.,
Mr. Sunit Roy,
Ms. Ayana Banerjee
… for the S.S.C.

1. Heard the learned advocate for the writ petitioner/appellant.
2. The appellant/petitioner applied for consideration in a recruitment process for appointment of teachers. The appellant could not provide the details of his experience in his application form for Mathematics (Graduate) for reasons best known to him, which are not disclosed in the writ petition.
3. We find that thereafter the authorities provided an opportunity by way of a notice dated 01.08.2025 allowing a window for submission of such details, which were inadvertently not entered by the candidates, which was to be collected from 05.08.2025 to 11.08.2025. During this period also the appellant/petitioner

did not upload the details or give the details. Four months thereafter, he approached the writ court claiming award of marks for experience, which he never claimed or uploaded.

4. The learned advocate for the appellant/petitioner has placed reliance on a decision of the Apex Court in the case of ***Vashist Narayan Kumar Vs. State of Bihar and others*** reported in ***(2024)11 SCC 785***. The judgment deals with a case where the petitioner therein claimed an inadvertence in entering the date of birth as 08.12.1997 instead of 18.12.1997. The inadvertent error was apparent from the certificate relied upon by the petitioner, under the circumstances, the order was passed by the Hon'ble Apex Court in the case of ***Vashist Narayan Kumar (supra)***.

5. This judgment has no application to the facts and circumstances of the present case where the petitioner apparently is indolent and has not even pleaded any inadvertence in not uploading the details either on the website or when an opportunity was subsequently granted.

6. The requirement of uploading details of experience for the purposes of marks in lieu thereof was a uniform requirement in the recruitment process. The constitutional mandate of equality under Articles 14 and 16 of

the Constitution of India, therefore, requires strict observance of the requirement for uploading details in support of experience for all candidates. The authorities, therefore, did not have discretion to allow benefit of experience to the petitioner even though he chose not to upload the details in support thereof. If the same were to be allowed, it would result in discrimination against other candidates in the recruitment process who were bound by the uniform requirement in the recruitment process. Therefore, also we are not inclined to acknowledge any right of the petitioner to marks for experience which he did not claim despite two opportunities in the recruitment process.

7. Under these circumstances, we find no reason to interfere with the decision of the learned Single Judge while dismissing the writ petition.

8. Accordingly, the appeal is dismissed.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)