

**HIGH COURT OF TRIPURA
AGARTALA**

W.P.(C)No.445 of 2025

1. Smt. Sabita Barman,

D/O: Binu Barman, R/O: East Pratapgarh,
P.O: Agartala, P.S: East Agartala,
Dist: West Tripura,
PIN: 799003, Aged about 45 years approx.

2. Smt. Sangita Das,

D/O: Lt. Atul Kumar Das,
R/O: Vill: Kalachari, P.O: Garad Tilla,
P.S: Kamalpur, Dist: Dhalai,
PIN: 799285, aged about 44 years approx.

3. Smt. Sangita Banik,

W/O: Suman Banik, R/O: A.D Nagar, Road No. 1,
P.O & P.S: A.D Nagar, Dist: West Tripura,
PIN: 799003, aged about 40 years approx.

4. Smt. Piyali Benerjee,

D/O: Sri Prashanta Banerjee,
R/O: Battala to Dashamighat Road, Near Snehamayi Ashram,
P.O: Agartala, P.S: West Agartala,
Dist: West Tripura, PIN: 799001, aged about 44 years approx.

5. Sri Debajit Das,

S/O: Sri Pulin Das, R/O: Vill: Garurband,
P.O: Urmai, P.S: Sonamura,
Dist: Sepahijala, PIN: 799115, aged about 37 years approx.

6. Sri Dipankar Majumder,

S/O: Sri Shyamal Ranjan Majumder,
R/O: Master Para, Town Bordowali, P.O: Agartala,
P.S: West Agartala, Dist: West Tripura,
PIN: 799001, aged about 42 years approx.

7. Smt. Mandira Das,

W/O: Rajib Roy, R/O: Dakbanglow Road,
P.O: R.K Pur, P.S: R.K Pur, Dist: Gomati,
PIN: 799120, aged about 37 years approx.

8. Smt. Ratna Majumder Chowdhury,

W/O: Partha Chowdhury, R/O Vill: Satmura Chowmuhani,
P.O: & P.S: Belonia, Dist: South Tripura,
PIN: 799155, aged about 50 years approx.

....Petitioner(s).

Versus

1. The State of Tripura, Represented by it's Special Secretary,

School Education Department, Govt. of Tripura,
P.O: Secretariat, P.S: New Capital Complex,
Dist: West Tripura, PIN: 799010.

2. The Director of Secondary Education,

Directorate of Secondary Education, Govt. of Tripura,
P.O: Agartala, P.S: West Agartala,
Dist: West Tripura, PIN: 799001.

3. Teachers Recruitment Board, Tripura, represented by it's Member Secretary,

Siksha Bhawan, Office Lane,
P.O: Agartala, P.S: West Agartala,
Dist: West Tripura, PIN: 799001.

4. The Controller of Examinations,

Teachers Recruitment Board, Tripura, Siksha Bhawan, Office Lane,
P.O: Agartala, P.S.: West Agartala,
Dist: West Tripura, PIN: 799001.

..... Respondents.

For Petitioner(s)	:	Mr. Arijit Bhaumik, Adv.
For Respondent(s)	:	Mr. Karnajit De, Addl. G.A.
Date of Hearing	:	10.03.2026
Date of delivery of Judgment and Order	:	01.04.2026
Whether fit for Reporting	:	YES/NO

HON'BLE MR. JUSTICE BISWAJIT PALIT

Judgment & Order

Heard Learned Counsel, Mr. A. Bhaumik appearing on behalf of the petitioners and also heard Learned Additional G.A., Mr. K. De appearing on behalf of the respondents.

02. This writ petition is filed by the petitioners seeking the following reliefs:

- (a) Issue notice upon the Respondents;
- (b) call for the records;
- (c) Issue Rule calling upon the Respondents to show cause as to why the Respondents shall not be directed to reconstitute equivalence committee for the purpose of selection processes conducted vide Advertisement dated 09.09.2016 and 27.05.2017 for the post of Post Graduate Teacher and Graduate Teacher.

AND

Issue Rule calling upon the Respondents to show cause as to why a writ of mandamus or any other appropriate writ shall be not issued directing the Equivalence Committee to take a decision on granting ex-post facto equivalence to B.Ed Special Degree with B.Ed Regular Degree for the purpose of selection processes conducted vide Advertisement dated 09.09.2016 and 27.05.2017 for the post of Post Graduate Teacher and Graduate Teacher independent of what has been held by the Hon'ble High Court in the judgment and order dated 19.12.2018 passed in W.P.(C) No.1138/2016 title Smt. Sudipa Saha vs. The State of Tripura and Ors as per the order dated 21.05.2016 passed in Review Petition No.23/2019 based on materials already submitted by the petitioners regarding equivalence of B.Ed special with B.Ed Regular.

- (iv) And after hearing the parties be pleased to make the rule absolute.

AND

In the interim, be pleased to restrain the Respondents from taking any coercive action against the Petitioners till disposal of the connected writ petition.

AND/OR

Pass any other order/orders may deemed fit and proper.

03. At the time of hearing, Learned Counsel for the petitioners drawn the attention of the Court that against an advertisement for the post of post-graduate teachers (STPGT) issued by TRBT (**Annexure-1**) and against another notification dated 27.05.2017 (**Annexure-2**) issued by TRBT, the petitioner Nos.1 to 5 applied for the post of post-graduate teachers and the rest petitioners applied for the post of graduate teachers and in those documents, the requisite

qualifications were prescribed by the authority. The present petitioners applied for those posts and they were qualified in the written examination, but at the time of scrutiny of their documents their candidatures were not considered as the petitioners did not have/had valid B.Ed regular degree rather they have/had B.Ed Special degree which were not the eligible criteria for the posts which were advertised. Thereafter, all the petitioners who were being denied to issue appointment orders by the respondent-authority, filed separate writ petition before this Court and this Court by order dated 06.09.2017 passed an interim order. The operative portion of the said order runs as follows **(Annexure-4)**:

"On comparative reading of Annexure-10-A and Annexure-10B to the writ petition, we are satisfied that the petitioner has made out a prima facie case. Consequently, as in our order dated 23.08.2017 passed in W.P.(C) No.1018/2017 any appointment made to the post of Graduate Teacher under the Education (School) Department, Government of Tripura shall be subject to the outcome of the writ petition."

04. Thereafter, TRBT recommended the name of one of the petitioners, Smt. Sabita Barman for recruitment to the post of post-graduate teacher against the notification dated 07.04.2017 from STPGT 2016 **(Annexure-5)** and accordingly, said Sabita Barman was given appointment along with the other petitioners and they joined and continued their job accordingly. After that the respondent-State challenged the order of this High Court by filing appeal and the Division Bench

of this High Court by judgment dated 19.12.2018 rejected the writ petition and vacated the interim order **(Annexure-14)**.

Thereafter, one of the writ petitioners filed review petition before this High Court which was numbered as Review Petition No.23/2019 **(Annexure-15)** and the Division Bench by order dated 21.05.2019 disposed of the writ petition giving liberty to the petitioner to approach to the respondents who shall consider and decide the petitioner's representation expeditiously in-accordance-with law. For the sake of convenience, the operative portion of the said order runs as follows:

"After the matter was heard for some time, learned counsel for the petitioner states that petitioner shall be content if a direction is issued to the respondents to consider and decide the petitioner's request, which the petitioner shall be making within one week, more so, in the light of the decision, which the respondents have how taken. Such request is made with the further prayer that the authorities may take a decision independent of what stands observed by the writ Court.

The prayer being innocuous, limited in nature, is not opposed.

As such, as prayed for, the present petition is disposed of reserving liberty to the petitioner to approach the respondents, who shall consider and decide the petitioner's representation expeditiously in accordance with law.

It shall be open to the petitioner to approach the Court for assailing the order, if so required and desired on the same and subsequent cause of action, in accordance with law."

After that according to Learned Counsel for the petitioner, representation was submitted by the writ petitioners but the respondent-authority without considering the same by

memo dated 28.07.2023 (**Annexure-16**) issued show-cause notice upon the petitioners. The writ petitioners against the show-cause notice submitted reply (**Annexure-24**) and in para No.4 it has been specifically asserted by the petitioners that after the order dated 21.05.2019 representations were filed by various candidates seeking equivalence of B. Ed Special degree with B. Ed regular but as per the order dated 21.05.2019 passed in Review Petition No.223 of 2019 till date no decision has been taken regarding equivalence of B. Ed Special degree with B. Ed regular degree. It was further highlighted that in the advertisement dated 09.09.2016 it was provided that equivalency of degrees will be ascertained by Equivalence Committee formed vide notification No.F.1. (1-50)- SE/E (NG)/2015 dated 20.08.2015. But no decision has been taken on the said representation filed by the candidates as per order dated 21.05.2019. But accordingly to Learned Counsel, the Equivalence Committee ought to have taken a decision on the equivalence of B. Ed Special with B. Ed regular degree but unfortunately till date no such conscious decision has been taken and the candidates were appointed in the year 2017 and now almost six years have been elapsed since the date of appointment but no decision has been taken. So, in absence of any decision of the Equivalence Committee, the petitioner urged before the authority not to terminate them from service. But the respondent-authority without considering their representations by memo dated 27.08.2025 issued

termination order which was totally arbitrary and illegal in spite of having stay order issued by the Court (**Annexure-32**) and under compelling circumstances the present petitioners according to Learned Counsel have compelled to file this writ petition seeking the reliefs as prayed for.

05. In support of contention, reliance was placed upon one judgment of the Hon'ble High Court of Delhi in **Social Jurist, A Civil Rights Group v. Govt. of NCT of Delhi & Anr.** passed by Hon'ble High Court of Delhi in **WP(C) No.6771 of 2008**, wherein in para Nos.6 and 7, Hon'ble the High Court of Delhi observed as under:

"6. Keeping in view the aforesaid affidavits, we are of the opinion that respondent nos. 1, 2, 5 and 6 should try to achieve teacher pupil ratio of 1:5 at the secondary level and 1:2 at the primary level. We further direct respondent nos. 1, 2, 5 and 6 to grant equivalence to B.Ed. (SE) with B.Ed.(General) and to D.Ed. (SE) with D.Ed./TTC for the purpose of appointment of special teachers in all the schools in the State as well as schools run by local bodies namely NDMC, MCD and Cantonment Board. Needless to say that the service conditions of the special teachers shall be same as that of the regular teachers holding the qualification of general teachers. We also request the respondent nos. 1, 2, 5 and 6 to consider granting preference and priority to candidates holding B.Ed.(SE) and D.Ed.(SE) degrees in appointment of teachers in all their schools. The school authorities shall ensure that each school shall have at least two special teachers and further that necessary teaching aids and reading materials are provided. This shall be done within six months.

7. In our opinion, till adequate number of special educators are available, two or three schools in a cluster should avail the services of itinerant teacher as mentioned by NCERT in its affidavit. We also direct RCI as well as respondent nos. 1, 2, 5 and 6 to start programmes to train in-service teachers as resource teachers so that they are equipped to take care of disabled children. Respondent

nos. 1, 2, 5 and 6 are also directed to start short term orientation programme for principals and educational administrators so as to sensitise them towards the needs of a disabled children."

Referring the same, Learned Counsel drawn the attention of the Court that by the said judgment, the High Court of Delhi has observed to grant equivalence to B. Ed (SE) with B. Ed General, but in the case at hand inspite of specific direction of this Court no such decision has been taken by the respondent-authority through the Equivalence Committee for decision, resulting which the petitioners have been seriously prejudiced.

Learned Counsel for the petitioners, further drawn the attention of the Court that the rehabilitation counsel of India has accredited the present petitioner as a special educator (mental retardation) and inspite of provisions in the RTE Act 2009, RCI Act 1992 and the Right of Persons with Disabilities Act, 2016, the respondent-authority did not take any decision in spite of specific direction for ascertainment of equivalency of degree by Equivalence Committee framed by the Education Department vide notification dated 20.08.2015.

Reference was further placed upon another judgment of the Hon'ble Supreme Court of India in W.P(C) No.132 of 2016 wherein Hon'ble the Apex Court by the said judgment dated 15.07.2025 made certain observations. The relevant part of the observation runs as follows:

"3. Let the selection and appointment be made of qualified/competent/eligible teachers only. Further, the requirement of RCI qualification certificate also needs to be taken into account for appointment to the post as directed by this Court in its judgment dated 28.10.2021, as a candidate not having RCI certificate shall be ineligible.

Meanwhile, we have been informed that in many of the States and Union Territories, adhoc teachers on contractual basis are presently imparting education and taking classes of children with special needs. We have also been informed that in some of the States, these teachers have been continuing for the last 20 years, approximately. For these reasons, the States shall immediately constitute a Screening Committee consisting of the following:

1. State Commissioner for Persons with Disabilities (for short 'Disability Commissioner') appointed under Section 79 of Rights of Persons with Disabilities ('RPWD') Act, 2016.
 2. Secretary, Education of the concerned education department;
 3. A nominee of the RCI who will be a competent person having knowledge in the prescribed area.
- This shall be the three-member committee for each of the States and UTs."

Referring the said judgment, Learned Counsel further drawn the attention of the Court that in our State as per the judgment, the figure of children in Special needs in respect of our State was 3715. It was further submitted that in the said judgment Hon'ble the Supreme Court observed that RCI qualification certificate also needs to be taken into account for appointment to the posts. It was also observed by the Hon'ble Supreme Court that in many States adhoc teachers on contractual basis were engaged for imparting education and taking classes of children with special needs and as such Hon'ble the Supreme Court made observation for formation of Screening Committee and the Hon'ble Apex Court further

observed that the Screening Committee shall consider the age limit in appropriate cases in respect of persons who are already working and teaching for last many years.

Reference was further placed upon another judgment of the Hon'ble Supreme Court of India in **Manoj Kumar Sharma & Ors. v. The State of Rajasthan & Ors.** passed in **Civil Appeal No(s).8140/2024**, wherein in para No.8, Hon'ble the Apex Court observed as under:

"8. Mr. Rishi Malhotra, learned Senior Counsel appearing for the appellants, relied upon the judgment passed in Pritam Kumar Tak vs. State of Rajasthan (Civil Writ Petition No.14481 of 2012 decided on 26.08.2014) and Rajni vs. State of Rajasthan (Civil Writ Petition No.17833 of 2018 decided in February 2019). Relying on these judgments, Mr. Malhotra argued that it is already settled by at least two judgments of the Rajasthan High Court that Rehabilitation Council of India ('RCI'), established under the Rehabilitation Council of India Act, 1992, is the competent authority for prescribing qualifications for the appointment of special education teachers. He therefore relied on the office order dated 20.04.2009, issued by the RCI declaring the equivalence of degrees. It is argued that the division bench of the High Court therefore erred in following another judgment of the same High Court in Sarita Sharma vs. State of Rajasthan (Civil Writ Petition No.20022 of 2012 decided on 22.02.2013)."

In another judgment in **Govt. of NCT of Delhi & Ors. v. Ms. Uma Rani & Anr.** passed by Hon'ble High Court of Delhi in **WP(C) No.700 of 2023** along with other connected matters, in para No.15, Hon'ble the High Court of Delhi observed as under:

"15. The clarification also states that a Notification dated 23.08.2010 has been issued under Section 23(1) of the Right to Education Act, 2009, which specifies that B.Ed. (Special Education) is one of the eligible qualifications,

however, such persons 'after appointment' have to undergo a six months' special course of elementary education."

Further reference was made upon another judgment of the Hon'ble Supreme Court of India in **Bhola Nath v. The State of Jharkhand & Ors.** reported in **(2026) SCC OnLine SC 129**, wherein in para Nos.13.2 to 13.5, Hon'ble the Apex Court observed as under:

"Limits on Perpetual Contractual Engagements:

13.2. In the present case, the respondent-State had engaged the services of the appellants on sanctioned posts since the year 2012. It was only towards the end of the year 2022 that the respondents communicated that no further extension of the appellants' engagement was likely to be granted.

13.3. In our considered opinion, the aforesaid action is not only vitiated by arbitrariness but is also in clear derogation of the equality principles enshrined in Article 14 of the Constitution. The respondent-State initially engaged the appellants in their youth to discharge public duties and functions. Having rendered long and dedicated service, the appellants cannot now be left to fend for themselves, particularly when the employment opportunities that may have been available to them a decade ago are no longer accessible owing to age constraints.

13.4. We are unable to discern any rational basis for the respondent-State's decision to discontinue the appellants after nearly ten years of continuous service. We are conscious that the symbiotic-relationship between the appellants and the respondent-State was mutually beneficial, the State derived the advantage of the appellants' experience and institutional familiarity, while the appellants remained in public service. In such circumstances, any departure from a long-standing practice of renewal, particularly one that frustrates the legitimate expectation of the employees, ought to be supported by cogent reasons recorded in a speaking order.

13.5. Such a decision must necessarily be a conscious and reasoned one. An employee who has satisfactorily discharged his duties over several years and has been granted repeated extensions cannot, overnight, be treated as surplus or undesirable. We are

unable to accept the justification advanced by the respondents as the obligation of the State, as a model employer, extends to fair treatment of its employees irrespective of whether their engagement is contractual or regular."

Relying all those judgments, Learned Counsel submitted that if the observations of the said judgments are followed in that case there is no scope to deprive the petitioners from their legal right which the respondent authority has ignored to consider the same.

It was further submitted by Learned Counsel for the petitioners that the Government of Meghalaya also by a notification dated 30.07.2025 has created 283 nos. of sanctioned post of special educators in different levels. It was further submitted that although by memo dated 27.08.2025 (supra) the appointment of one of the petitioners was terminated with immediate effect by the Authority but by another memo on the same day they have withdrawn the said memo subject to outcome of WP(C) 445 of 2025 i.e. the present writ petition.

Finally, Learned Counsel submitted that inspite of rendering service for a considerable long period at this stage, there is no scope to terminate the petitioners from their service which they are undergoing and as such Learned Counsel urged for allowing this writ petition.

06. The State has contested the writ petition by filing counter-affidavit denying the entire assertions of the

petitioners in their writ petition. However, at the time of hearing, Learned Additional G.A. drawn page Nos.25 and 26 **(Annexure-1)** of the writ petition wherein in Clause-A the requisite qualification for appointment to the post was mentioned as Post Graduate Degree in the relevant subject with at least 50% marks (or its equivalent) from recognized university and Bachelor of Education (B.Ed.) from NCTE (National Council for Teachers Education) recognized institution and submitted that the present petitioners did not have such requisite qualifications for the posts which were advertised. In respect of selection of candidates for recruitment for the post of post graduate teachers and also at page No.35 **(Annexure-2)** of the writ petition wherein in 1(a) it is written as follows:

"1. (a) Graduate/ Post Graduate from recognized University with at least 50% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B. Ed) from National Council for Teacher Education recognized Institution {in accordance with the National Council for Teacher Education (Form of application for recognition, the time limit for submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002 and National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007}."

Referring the said page Nos.25 & 35 Learned Additional G.A. drawn the attention of the Court that the present petitioners did not have requisite qualifications for the posts, they applied for at the time of filing of application. He also drawn the attention of the Court the **Annexure- R-1** i.e.

the order of this High Court in WP(C) 1138 of 2016 and also drawn the attention of the Court **Annexure-R-3**, i.e. the order dated 23.08.2017 passed by this High Court in WP(C) No.1018 of 2017. He also drawn the attention of the Court relying upon **Annexure-R-4** wherein in Clause-2(v) it was written as follows:

"2.(v) The appointment may be terminated at any time if any kind of discrepancy found in the mark sheet's/certificate's submitted by the candidate and if he degrees are not recognized by the U.G.C. & N.C.T.E as applicable."

Referring the same, he submitted that there was a clause in the order of appointment that in case of discrepancy the authority reserves the right to terminate the appointment of any of the candidates at any time.

After that Learned Additional G.A. drawn the attention of the Court referring para Nos.8, 10, 12, 27, 28, 37, 38, 49, 50, 52, 53, 54 & 57 of the judgment dated 19.12.2018 passed by the Division Bench of this High Court in WP(C) No.1138 of 2016 and batch matters which are as under:

"8. It is not in dispute that pursuant to such advertisement, all of the writ petitioners applied, appeared in the written examination and were selected for the said post. Only thereafter, their applications for verification of fulfillment of eligibility criteria processed. It is at this stage, that it was so ascertained that none of the writ petitioners fulfilled the eligibility criteria inasmuch as they had not obtained a degree of Bachelor of Education from "National Council for Teacher Education recognised institution."

10. On 06.09.2017 when these petitions came up for hearing, this Court directed that appointments made, if any, shall be subject to the outcome of the writ petition.

12. In any event, we are of the considered view that no equity can be claimed by any one

of such persons, merely for the reason that their cases were pending before this Court and that the State volunteered to issue letters of appointment, dehors the rules prescribing minimum eligibility criteria.

27. Significantly, not everyone and anyone is eligible and entitled to impart education to a child defined under the said Act. This Act does not define as to who can be and is a teacher. Nor does it prescribe any eligibility criteria. Though it prescribes the pupil teacher ratio and the manner in which the schools are required to be managed through committees and formation of school development plan. The Act also by virtue of Section 26 provides that the appropriate government and the local authorities are under an obligation to ensure that under no circumstances vacancy of the teacher in a school exceeds by 10% of the total sanctioned strength. 28. The Central Government by virtue of its power under Section 23 has notified NCTE as the authority to prescribe the eligibility criteria for appointment of a teacher. The criteria so prescribed is similar to the one prescribed by the State in the rules, subject matter of challenge in the present petition. To put it conversely, the rules stand framed only to meet the requirement of eligibility so prescribed by the said authority.

28. The Central Government by virtue of its power under Section 23 has notified NCTE as the authority to prescribe the eligibility criteria for appointment of a teacher. The criteria so prescribed is similar to the one prescribed by the State in the rules, subject matter of challenge in the present petition. To put it conversely, the rules stand framed only to meet the requirement of eligibility so prescribed by the said authority.

37. Simply because the petitioners fulfill the eligibility criteria required under the Disability Act or for that matter the Rehabilitation Act, ipso facto would not make the rules to be in any manner arbitrary. The children to whom the petitioners are imparting education in all the schools of Tripura, these are not special schools meant for special children. It could not be shown as to how the criteria prescribed under the Education Act are ultra vires to any one of the provisions of the Disability Act or Rehabilitation Act. We notice that the criterion of graduation of one year B.Ed (Special Education) was prescribed by the NCTE is only up to Class-VIII. This, in our considered view, would not make the criteria prescribed for the higher classes to be discriminatory, for the focus in the said classes has to be on studies as by this time the cast of the child's body and mind already stands laid.

38. We have ourselves researched, minutely examined and found several decisions of the Apex Court, explaining as to what really is the meaning of "equality before law", what are the grounds on which a legislation, primary or delegated, can be assailed; what are the constraints of the Court in holding the same to be ultra vires and what is the approach which the Court must adopt in examining its constitutional validity.

49. Notification dated 27th May, 2017 clarified that the Government of Tripura was desirous of selecting candidates for the post of Graduate teachers for class IX and X under the Secondary Education Directorate. It made clear the minimum essential qualification in the following terms: –Essential Minimum Qualification: (a) Graduate/Post Graduate for recognized University with at least 50% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed) from national Council for Teacher Education recognised institution. OR (b) Graduate/Post Graduate from recognized University with at least 45% marks in either Graduation or Post Graduation (or its equivalent) and Bachelor of Education (B.Ed) from national Council for Teacher Education recognised institution {in accordance with the National Council for Teacher Education (Form of application for recognition, the time limit for submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulations, 2002 notified on 13.11.2002 and National Council for Teacher Education (Recognition Norms and Procedure) Regulations, 2007 notified on 10.12.2007.} OR (c) 4-years degree of B.A.Ed/B.Sc.Ed from national Council for Teacher Education recognised institution. N.B.: Relaxation up to 5% in the qualifying marks will be allowed to the candidates belonging to SC/ST/PH Category.|| (emphasis supplied)

50. Significantly, the area of selections stand extended to such of those persons who have acquired higher qualification but what is important is that all the candidates must have had some formal education in the field of education. Even under the provision of equivalence so stipulated therein, petitioners' education fulfilling the eligibility criteria does not match with that of the criteria required under the Education Act.

52. Before us, NCTE has filed an affidavit categorically stating that B.Ed (Special Education) is not an eligibility criterion for appointment of a teacher in Senior and Senior Secondary classes. Further, Rehabilitation Council has been taking a contradictory stand which fact is evident from para 14 of the affidavit, which reads as under: –14. That

with reference to the statements made in para 18 & 19 of the writ petition, the answering deponent begs to state that taking reference to the earlier RTI reply dated 1-4-2017 given by the Public Information Officer (PIO), NCTE, Regional Office, Bhubaneswar, it was wrongly answered to the query no. 1 by replying that "the B.Ed. degree approved either by NCTE and RCI is considered to be equivalent to each other" (Annexure-11 of the writ petition). The same was subsequently clarified by a letter dated 6-11-2017 issued by the Under Secretary (Legal), NCTE, Head Office, New Delhi, to the Regional Director, Eastern Regional Committee that ".....the NCTE notification dated 23-8- 2010, 29-7-2011 & 12-11-2014 does not speak about the equivalency of B.Ed. with B.Ed.(Special Education) to teach classes IX-X & XI-XII". Moreover, the answer deponent further begs to state that the Rehabilitation council of India (RCI) in WP(C) NO. 520/2017 being respondent No.4 specifically admitted the fact in the counter affidavit in para 5 that B.Ed. Spl Education is not an eligible qualification for PGT and GT. Copy of the letter dated 6-11-2017 issued by the Under Secretary (Legal), NCTE, to the Regional Director, Eastern Regional Committee, is annexed herewith as Annexure-B.

53. Simply because certain States, on the basis of equivalence, have held B.Ed (Special Education) equivalent to that of B.Ed. degree in General Education, would not confer any right upon the petitioners. Nor would the decision of the NCTE to consider the same with future effect confer any right for what is to be seen is the eligibility of the candidates as on the date when the advertisement was issued.

54. There is yet another reason for not interfering in the present petition and that being the petitioners having participated in the selection process, whereafter only, upon being selected, they filed the instant petitions.

57. Further, what is required to be seen are the conditions prescribed at the time of issuance of the advertisement and not the subsequent decision, if any, taken by the government, modifying the conditions which the petitioners fulfill. Well that is for future and not for the past."

Referring the same Learned Additional G.A. further submitted that since the Division Bench vacated the interim order passed earlier and also dismissed the writ petitions filed

by the present petitioners and as such at this stage, there is no scope on the part of this Court to overlook the judgment of the Division Bench of this High Court and furthermore, by the Review Petition also no such relief was granted to the present petitioners and as such nothing survives for adjudication in this writ petition. So, Learned Addl. G.A. urged for dismissal of this present writ petition.

07. I have heard both the sides at length and perused the writ petition along with the documents annexed with the writ petition as well as the counter-affidavit filed by the respondent-authority and the documents filed. It is the admitted position that against the advertisement i.e. **Annexure-1** and **Annexure-2**, the present petitioners applied for the posts and they appeared in the written examination and got qualified but at the time of document verification, it was found that they did not have B.Ed regular degree rather they had B. Ed special degree. After that the writ petition was filed and as per interim order of the Court they continued to remain in service after their selection but it is also the admitted position that the writ petitions filed by the petitioners was finally dismissed by the Division Bench of this High Court. The petitioners on so many occasions submitted representations to the authority but those were not considered. They also preferred Review Petition before this Court as already stated and this High Court by order dated 21.05.2019 in Review Petition No.23 of 2019 disposed of the Review Petition granting

liberty to the petitioners to approach the respondents with further direction to decide the petitioners' representations expeditiously in accordance with law. The main canvas in this writ petition filed by the petitioners is that after the direction of the High Court they approached to the authority by filing repeated representations but those were not considered by the authority even although the State constituted Equivalence Committee (**Annexure-R-5**) on 11.07.2018 but unfortunately, till today no action has been taken by the said Equivalence Committee for considering representation of the present petitioners resulting which they have compelled to file this writ petition before this Court. In the meantime, the respondent-authority issued termination order but thereafter, by another memo dated 27.08.2025 they have withdrawn the said termination memo subject to the outcome of WP(C) No.445 of 2025. It is surprising as to how the respondent-authority allowed the petitioners to continue their job if the petitioners did not have requisite qualifications for the posts for which advertisements were issued.

In course of hearing Learned Counsel submitted that by this time one of the candidates, Dipankar Das who later on obtained B. Ed degree was regularized by the respondent-authority. But it is not the case of the present petitioners that they have obtained degree of B. Ed Regular degree by this time. It is also surprising that on 27.08.2025 the respondent-Director of Secondary Education issued order of termination

but on the same day by another memo vide No.No.F.1(1-43)-SE/E(NG)/2018(L-9) withdrawn the said memo. In this regard nothing has been explained by Learned Addl. G.A. appearing on behalf of the respondent-authority at the time of hearing, which shows the arbitrary action of the respondent-authority in this regard. The present petitioners in this writ petition prayed for taking conscious decision by the Equivalence Committee which has been formed by the respondent-authority on 11.07.2018 **(Annexure-R-5)** vide No.No.F.1(1-50)-SE/E(NG)/2018.

18. In the result the writ petition filed by the petitioners is hereby allowed with direction to the respondent-authority to direct the Equivalence Committee to take conscious decision in the light of the representation made by the petitioners to the respondent-authority in pursuance of the direction passed by this Court in Review Petition No.23 of 2019 dated 21.05.2019 within a period of three (3) months from the date of passing of this judgment.

With this observation, this present writ petition stands disposed of.

Pending application(s), if any, also stands disposed of.

JUDGE