

Dl. March 26,
21. 2021

M.A.T. 308 of 2021

Re: CAN 1 of 2021 (order)
filed on March 4, 2021.

Mr. Partha Sarathi Bhattacharya,
Mr. Pranab Kumar Saha,
Ms. Priyanka Lama,
Mr. Raju Bhattacharya,
Mr. Sounak Bhattacharya,
Mr. Himadri Chakraborty,
...for the appellants.

Mr. Souvik Nandy,
...for the N.C.T.E.

Mr. Lakshmi Kumar Gupta,
Mr. Subir Sanyal,
Mr. Ratul Biswas,
...for the Board.

This appeal has arisen out of an order dated January 28, 2021 by which a learned Single Judge of this court disposed of a batch of writ petitions by allowing the writ petitioners, who have approached this court after publication of the notice dated December 31, 2020, to participate in Teachers Eligibility Test 2017 (primary) by filling up the offline application forms on or before January 29, 2021.

In the appeals, being MAT 123 of 2021 and MAT 124 of 2021, preferred by the West Bengal Board of Primary Education, upon consideration of the submissions made by the rival parties we passed the following order :-

“On a reading of the guidelines issued by the National Council for Teacher Education read with the circulars governing the Teachers

Eligibility Test, 2017, we are of the opinion that the State cannot deny a candidate who was pursuing any of the teacher education courses recognized by the NCTE or the RCI, as the case may be, when the advertisement was issued. We are not inclined to accept the submission that the candidates who were pursuing Teachers Education Courses on or before October 9, 2017 could be excluded or denied participation in the TET 2017. This view also finds support in the decision of the Hon'ble Supreme Court in the case of Omkar Singh & ors. vs. State of Uttar Pradesh & ors., reported in 2019 SCC Online S.C. 1183.

Although submission has been made that Clause 11 of the NCTE guideline is not mandatory. We cannot however, disregard the fact that the State can take refuge of Clause 10 of the said guidelines to deny its responsibility of holding TET examination if not every year but within a reasonable time when it appears that there are large number of vacancies and such vacancies had resulted due to inaction on the part of the State for not-conducting in regular intervals. The State cannot deny its responsibility of imparting quality education and the requirement of teachers in various institutions

also cannot be denied. The delay in recruitment of teachers ultimately affects the educational institution and the students who are the beneficiary of such recruitment.

The candidates who have requisite qualification in terms of our order shall not be denied to participate in the said examination. The other candidates since they are ineligible, the benefit of relaxation as contemplated in the Notification dated 14th November, 2017 cannot be extended to them.”

It is needless to mention that if the appellants are qualified in terms of our order dated February 11, 2021, the State is obliged to publish the results of such candidates.

On such observation, the appeal and the connected application are disposed of without any order as to costs.

(Soumen Sen, J.)

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(Saugata Bhattacharyya, J.)