

20.07.2022
Item No.31
Ct. No.13
CHC

W.P.A.2882 of 2020
IA NO: CAN/1/2021
Ananya Biswas (Ghosh)
Vs.
The State of West Bengal & ors.

Mr. Partha Sarathi Bhattacharyya, Sr. Advocate
Mr. K. S. Alam,
Mr. Raju Bhattacharyya,
Mr. Arunava Maiti
...for the petitioner

Mr. Supriyo Chattopadhyay,
Mr. Sabyasachi Mondal
...for the State

Mr. Sanjay Baid
...for the respondent
nos.4 and 5

The writ petitioner is aggrieved by the order dated 1st December, 2020, rejecting the panel prepared for the selection of candidates to the post of Assistant Teacher in History (Pass). A panel of three teachers were prepared and sent for approval to the D.I. of Schools, South East, Kolkata.

The petitioner was the first empanelled candidate. Rejecting the panel as a whole, the D.I. of Schools by the impugned order, set out the G.O.1105 dated 28th September, 2016 as basis for the same. There are two categories prescribed as basic qualifications for being appointed as Assistant Teacher (History). The candidate has to be a graduate or post graduate with

50% marks in either graduation or post graduation or equivalent for B.Ed from NCTE recognized institution. The second category is for those candidates with above 45% and below 50% marks in either graduation or post graduation or equivalent, and who have completed B.Ed from NCTE recognized institution in terms of the NCTE (form of application for recognition, the time limit of submission of application, determination of norms and standards for recognition of teacher education programmes and permission to start new course or training) Regulation of 2002, notified on 13th November, 2002.

It appears to the Court that the Bachelor of Education Course undertaken by those candidates in terms of the aforesaid NCTE Regulation of 2002, notified on 13.11.2002 and NCTE (Recognition Norms and Procedure) Regulation, 2007, notified on 10th December, 2007, were categorized separately.

It is assumed that candidates with less than 50% but more than 45% were allowed in some categories to undertake the B.Ed course under the aforesaid NCTE regulation of 2002 and 2007, notified respectively on 13th November, 2002, and 10th December, 2007.

Mr. Bhattacharyya, learned Senior Counsel appearing for the petitioner, submits that the

petitioner's B.Ed course has been approved by the NCTE under powers vested under Section 18(E) of the amended NCTE Act, 2006.

Admittedly, the petitioner did not undergo the B.Ed course in the second category i.e. under the 2002 regulations notified on 13th November, 2002 and the 2007 regulations notified on the 10th of December, 2007. Petitioner has completed B.Ed from the Calcutta University, which had a recognized B.Ed course outside Special Regulations of 2002 and 2007 above (supra). They cannot be given the benefit of the 2nd category with 45% marks in graduation or post-graduation.

In that view of the matter, the impugned order calls for no interference.

The writ petition fails and hereby dismissed.

The connected application stands also disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Rajasekhar Mantha, J.)