

WPA 19609 of 2014

**Sova Rani Mondal @ Sova Rani Haldar
Vs.
The State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta
Mr. Arka Nandi**

..for the petitioner

**Ms. Chaitali Bhattacharyya
Mr. Kartick Chandra Kapas**

...for the State

**Mr. Kanak Kiran Bandyopadhyay
....for the SSC**

Petitioner participated in 12th RLST 2011 under the category- Bengali (Pass), Schedule Caste, Female/Co-Ed for being appointed on the post of Assistant Teacher in High School. The grievance of the petitioner is as pointed out by Mr. Sudipta Dasgupta, learned advocate appears on behalf of the petitioner that she was possessing diploma in elementary education through a course having two years duration but was not awarded any marks against such training qualification. After publication of the result of written test when petitioner found she was not successful, she made an RTI application to the concerned authority of the West Bengal Central School Service Commission and in response thereto vide letter dated 16th June, 2014, State Public Information Officer of the Commission informed that the petitioner obtained 27 marks in written test and 16 marks against academic qualification as it appears from page 35 of the writ petition. From the information as provided on behalf of the

Commission, it has been contended that petitioner's total marks in written test and in academic qualification was 43. As per norms as it has been submitted on behalf of the petitioner that if 6 marks would have been awarded to her against her training qualification, the total marks of the petitioner would be enhanced to 49 which would bring the petitioner within the zone of consideration. According to the petitioner, candidate who obtained 47.17 marks in aggregate on conclusion of the selection process was empanelled for being appointed on the post of Assistant Teacher. It has further been submitted that apart from 49 marks which petitioner was entitled to be awarded, there was 5 marks allotted against personality test and if on consideration of 49 marks, the petitioner would have been permitted to participate in the personality test the aggregate marks of the petitioner would have further been enhanced which would definitely place her in the panel of selected candidates. It is contended that in terms of amendment of West Bengal School Service Commission (Selection of Persons for Appointment to the post of Teachers) Rules, 2007 (for short, "Rules of 2007") vide notification dated 23rd December, 2011 and table 4 appended to the said amended rules, petitioner ought to have been awarded marks against her training qualification upon treating diploma in elementary education being equivalent to BT/B.Ed/PGBT and so on.

Mr. Kanak Kiran Bandyopadhyay, learned advocate appears on behalf of the Commission and submits that if a candidate is having graduation from a recognised university with the relevant subject as combination subject of at least 300 marks at the degree level and two years diploma in

elementary education, in that event, such candidate as per the norms was adjudged as an eligible candidate to offer his or her candidature before the Commission for being selected in a post reserved for pass category candidates. In the same breath it has also been submitted upon placing reliance on the relevant part of table 4 appended to the amended rules of 2007 that for obtaining marks against training qualification the candidate must obtain BT/B.Ed/PGBT/PGT or its equivalent qualification which the petitioner does not possess. It has further been submitted that diploma in elementary education obtained by the petitioner through a course having two years duration can only make her eligible to participate in selection process but such diploma would not make the petitioner entitled for getting marks against training qualification.

This Court has heard the learned advocates representing the parties and has perused the relevant documents available on record including the amendment to the said Regulations of 2007. It is nobody's case that the training qualification of diploma in elementary education through course having duration of two years has been decided by the appropriate authorities to be an equivalent qualification like BT/B.Ed/PGBT/PGT. On perusal of said table 4 as contained in the notification dated 23rd December, 2011, amending said rules of 2007 makes a candidate eligible to be awarded marks against training qualification provided the candidate is having qualification of BT/B.Ed/PGBT/PGT or its equivalent training qualification.

In the present case, albeit petitioner is having training qualification in diploma in elementary education but

according to the respondent authorities, since such diploma is not equivalent to the qualification as indicated in said table 4, this Court cannot grant any relief to the petitioner.

It also appears that there is substance in the contention made on behalf of the Commission that possessing of diploma in elementary education through a course having two years duration along with degree of graduation can make the said candidate to be eligible for participating in the 12th RLST (AT), but that does not confer right upon the said candidate to get marks against such training qualification in absence of decision being taken by the concerned respondent authorities on equivalence.

In the above conspectus, this writ petition does not merit consideration and the same stands dismissed.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)