

18.10.2022
Item No.4
Ct. No.17
AKG/S.A.

WPA 23202 of 2022

Ujjal Halder & Ors.
-vs-
Union of India & Ors.

Mr. Surajit Nath Mitra,
Mr. Chittapriya Ghosh,
Ms. Komal Singh,
Mr. Somesh Ghosh

...for the petitioners

Mr. Santanu Mitra,
Mr. Samimul Bari,
Mr. Kapil Guha,
Mr. Jaladhi Das,
Mr. Somnath Naskar

...for the State

Mr. Subrata Santra

...for the Union of India

Mr. Saikat Banerjee

...for the Board of Primary Education

Mr. U. K. Jana

...for N.C.T.E.

The writ petitioners challenged a notification dated September 29, 2022 issued by the West Bengal Board of Primary Education for conducting the Teachers Eligibility Test, 2022 (TET 2022) for Classes I to V.

Mr. Surajit Nath Mitra, learned senior counsel appearing for the petitioners referring to the said notification, annexure -P/1 to the writ petition submits that, the eligibility criteria was fixed inter alia on the basis of N.C.T.E (The National Council for Teachers Education) notification dated August 25, 2010 read with June 28, 2018 and also read with October 13, 2021.

Learned senior counsel submitted that the, said notification dated June 28, 2018 fixing the qualification of a candidate having Graduation with at least 50% marks and Bachelor of Education (B.Ed.) stood set aside by a Division Bench of Rajasthan High Court in D.B. Civil Writ Petition No. 1853/2021 (Rajendra Singh Chotiya & Anr. -vs.- The National Council For Teachers Education & Ors.) by its judgment and order dated November 25, 2021. It is also submitted that, the said decision of the Division Bench of the Rajasthan High Court is under challenge before the Hon'ble Supreme Court in Special Leave Petition (C) Nos. 20743 of 2021. Mr. Mitra submitted that as of now, the said notification dated June 28, 2018 stands set aside by the Division Bench of the Rajasthan High Court and as such, the intending candidates having the qualification of Graduation with at least of 50% marks and Bachelor of Education (B.Ed.) are not eligible to participate in the said TET-2022 Examination.

It is also submitted by Mr. Mitra that ad valorem Court fees of this writ petition have already been paid.

Mr. Saikat Banerjee, learned counsel appearing for the respondent nos. 8 and 9 submits that it is the N.C.T.E., who should inform such fact to the respondent nos. 8 & 9 and no such information has been received. In absence of any such information, the respondent nos. 8 & 9 had rightly issued the said notification dated September 29, 2022. Such submission of Mr. Banerjee has been

disputed by Mr. Mitra. He submitted that the respondent nos. 8 & 9 were aware of this fact in a previous writ petition which is pending before this Court.

It is a fact that the said Special Leave Petition is fixed on November 16, 2022.

Considering the rival submissions and the materials on record, this Court makes it clear that all the steps taken and to be taken in terms of the said notification dated September 29, 2022, annexure-P/1 to the writ petition shall abide by the result of the said pending Special Leave Petition before the Hon'ble Supreme Court, including the fate of the intending candidates, who are covered by the said notification dated June 28, 2018.

With the above observations, this writ petition being **WPA 23202 of 2022** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)