

26-07-2022
ct no. 13
Sl. 521
sp

WPA 25660 of 2016

Ajit Mahata

-Versus-

The State of West Bengal & Ors.

**Mr. Biswaroop Bhattacharya,
Mr. Golam Mohiuddin,
Ms. Puja Mondal**

.....for the petitioner

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee**

..for the State

The petitioner is aggrieved by the prima facie views taken by the Additional District Inspector of Schools (Secondary Education), Dakshin Dinajpur , in communication dated October 30, 2015, addressed to the Commissioner of School Education, Government of West Bengal.

Three queries were raised. The writ petition is restricted to query no.2, i.e. as to whether a teacher who has obtained a Bachelor of Education/PGBT/Diploma Certificate through Distant Education mode can be treated as being at par with a teacher who has obtained the aforesaid degrees in a face-to-face course and/or a regular course.

The facts of the case are, inter alia, that the petitioner participated in the process of selection to the post of Assistant Head Master in Sukdebpur S.C. High School, Dakshin Dinajpur. He was already an Assistant Teacher in a pass graduate post in Work Education and Physical Education.

The petitioner participated in the selection process to the post of Assistant Head Master. The petitioner succeeded and his candidature was sent for approval to the D.I. of Schools (Secondary Education), Dakshin Dinajpur. The D.I. raised a doubt with regard to the applying the B.Ed. degree obtained by the petitioner from the Indira Gandhi Open University via Distant Education mode. The Commissioner of School Education has not replied as yet, presumably, because of the pendency of the instant writ petition.

Without any further reference to the office of the Commissioner of School Education, this Court has decided to answer the query of the D.I. of Schools.

Counsel for the State would rely upon the Guidelines for Recruitment for the post of Assistant Head Master and Assistant Head

Mistress published by the Government of West Bengal on July 10, 2002. The Rules for recruitment clearly stipulated that a Graduate with Special Honours or Masters Degree etc. holding “regular” B.Ed./B.T./PGBT/Diploma Certificate are eligible to apply.

On the strength of the said guidelines, the State argues that the same are binding on the D.I. There are, in fact, no other rules, as argued by the parties, governing the recruitment to the post of Assistant Head Master.

Since after coming into force of the West Bengal School Service Commission Act, 2015, there are absolutely no rules whatsoever framed for specifying the qualification for recruitment to the post of Assistant Head Master. According to the counsel for the State, the aforesaid guidelines-as long as they remain unchallenged-have to apply and/or are binding on the D.I. The petitioner, according to the counsel for the State, holding the B.Ed. degree from the IGNOU, under Distant Education Programme, is not eligible to hold the post of Assistant Head Master. A B.Ed. degree obtained in distant mode, is not a qualification equivalent to a B.Ed. regular course.

Per contra, Mr. Biswaroop Bhattacharya, relied upon a clarification issued by the National Council for Teachers' Education (NCTE) dated August 9, 2007, that there is no difference between a B.Ed. degree obtained face-to-face and a B.Ed. degree obtained by Distant Education mode. It was further clarified that the B.Ed. degrees obtained from IGNOU under the Distant Education mode, are equivalent to B.Ed. degrees obtained from Universities face to face i.e. under a regular course. Reference is also made to a clarification dated May 11, 2009, issued by the Chief Secretary, Government of West Bengal, that for the post of Assistant Teacher, there shall be no distinction between the B.Ed. degree obtained through Distance Education Mode and a regular B.Ed. degree obtained by a regular face-to-face course.

Mr. Bhattacharya also places the Rules for recruitment framed under the West Bengal School Service Commission Act, 2015 and as replaced in the year 2016. The said Rules for recruitment to the post of Head Master, only specify requirement of a B.Ed. degree approved by the National Council for Teachers' Education (NCTE). According to Mr. Bhattacharya, the

doubts expressed by the Additional District Inspector of Schools in the impugned order, are therefore misplaced.

Having heard the learned counsel for the parties, this Court is of the clear view that there cannot, in fact, be any distinction now between a B.Ed. degree obtained via Distant Education mode from Open Universities with those obtained under a regular B.Ed. course from regular Organizations and/or Universities, as long as they are recognized by the NCTE.

There is some force in the argument of the counsel for the petitioner that when the requirement and qualification for the post of Head Master does not distinguish between the B.Ed. degrees obtained by Distant Education mode and the degrees obtained face to face, the distinction drawn in the 2002 guidelines for recruitment for the post of Assistant Head Master by the State of West Bengal, is unacceptable.

The training course and the professional qualification for qualifying as a teacher teaching and the subjects themselves are now required under the law to be recognized and approved by the NCTE. The said NCTE is the highest body in

the country to certify the validity of any Teacher Training Course and degree.

Admittedly, the B.Ed. degree obtained from the IGNOU, is certified and approved by the NCTE. The hesitation and/or reservation expressed by the Additional District Inspector of Schools (Secondary Education), Dakshin Dinajpur, is therefore quite misplaced in this regard and is set aside.

One cannot ignore the fact that the 2002 guidelines are not rules. The qualification requirements for the post of both Assistant Teacher and Assistant Head Master do not distinguish between the B.Ed. degrees obtained by Distant Education mode and by a regular mode. As long as the NCTE recognized and approved Organizations and/or Institutions award the B.Ed. degree, the same would be a sufficient and valid qualification even for recruitment to the post of Assistant Head Master.

The only query raised in the writ petition is answered as above. The prayer of the petitioner is allowed.

However, the two other questions raised by the Additional District Inspector of Schools

i.e. as to whether the writ petitioner who was in a graduate post teaching work education can apply for the post of Assistant Head Master, is left open for being decided by the Commissioner of School Education.

The District Inspector of Schools (Secondary Education), Dakshin Dinajpur, shall not by reasons of this order, be prevented from examining the entire propriety of the selection process of the petitioner.

It is expected that the Commissioner of School Education shall answer the other two queries within a period of one month from the date of communication of a copy of this order.

Any final decision may be taken by the A.D.I. of Schools on the propriety of the petitioner's recruitment, within a period of one month after receipt of clarification from the Commissioner of School Education.

With the aforesaid observations, the writ petition shall stand disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

