

20.09.2023
Item No. 25
Crt.No.22
b.r.

(Assigned)

WPA 4104 of 2023

Subhas Choudhuri
-vs-
The State of West Bengal & Ors.

Mr. Hiranmoy Ghosh
..... for the petitioner.

Mr. Sabyasachi Mondal
.... For the State.

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
.... For the Board.

The petitioner was an upper primary teacher. He was an aspirant for the post of primary teacher. The petitioner had qualified the **Teacher Eligibility Test (TET), 2012** for the post of **Primary Teacher**. The petitioner claimed appointment for **Primary Teacher**.

The issue is now well settled by the Hon'ble Division Bench of this Court- ***In the matter of Biplab Thakur & Ors. -vs- Parimal Mahato & Ors.*** rendered in ***MAT 2023 of 2022 with I.A. No. CAN 2 of 2022.*** The relevant finding of the Hon'ble Division Bench is as under :-

“ 35. The qualifications prescribed for recruitment of Primary Teachers are in line with and in consonance with the qualifications prescribed by the NCTE. Under both the Rules of 2016 the candidates who

were working as Para Teachers may be considered for appointment of Primary Teachers and Upper Primary Teacher under the 10% vacancies to be declared in terms of the provisions of both the rules provided they have the requisite said minimum qualifications. The eligibility criteria for the Para Teachers of Primary and Upper Primary are different. The test conducted are by different authorities. A higher qualification is not necessarily a suitable qualification for post. The qualification of the para teachers for the upper primary level may not be a suitable qualification for primary level of classes. There is an intelligible differentia between the para teachers of primary education and para teachers of upper primary education.”

In view of the above, the writ petition is found to be totally devoid of any merit.

Accordingly, this writ petition **WPA 4104 of 2023** stands **dismissed**, without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously, on compliance of usual legal formalities.

(Aniruddha Roy, J.)