

02 04.10.2023

Ct-08

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MAT 975 of 2022

with

I.A No. CAN 1 of 2022

Sova Rani Mondal alias Sova Rani Haldar

Vs.

State of West Benal & Ors.

Mr. Bikram Banerjee

Mr. Sudipta Dasgupta

Ms. Dipa Acharyya

... For the Appellant

Dr. Sutunu Kumar Patra

Ms. Supriya Dubey

... For WBCSSC

Mr. Pinaki Dhole

MA. Ziaur Rahaman

... For the State

Mr. Souvik Nandy

... For the NCTE

1. We have heard the learned counsel appearing for the parties.

2. The appellant is aggrieved by the order dated 28th April, 2022 passed by the learned Single Judge dismissing the writ application.

3. The appellant/petitioner participated in 12th RLST 2011 under the category Bengali (Pass), Schedule Caste, Female/Co-Ed for being appointed to the post of Assistant Teacher in High School. The grievance of the petitioner appears to be that she was possessing diploma in elementary education through a course having two years duration but she was not awarded any marks against such training qualification.

4. In the course of argument the Court wanted to know from the School Service Commission with regard to the applicability of NCTE notification dated 29th July, 2011, which has made Graduation and two-year Diploma in Elementary Education and Graduation with at least 50% marks and one-year Bachelor in Education (B.Ed) equivalent for being considered for Classes VI to VIII. NCTE was also directed to file an affidavit clarifying the said issue.

5. The affidavit filed by the NCTE it has been clearly stated that D.El.Ed is a course designed to prepare the teachers for elementary stage of education whereas B.Ed is a course meant for middle and Secondary level. The entry level qualification for D.El.Ed is 10+2 and for B.Ed, it is graduation. Moreover, D.El.Ed is a diploma level course whereas B.Ed is a degree level course. It is further stated that a person who is seeking appointment as Teacher for Classes VI to VIII (for upper primary), the minimum qualification for such appointment would be either graduation and two-year diploma in elementary education or graduation with at least 50% marks and one-year B.Ed.

6. There cannot be any dispute that the petitioner is having the eligibility criteria however, with regard to the awarding of marks against such training qualification it is submitted that it cannot be in favour of the petitioner having regard to the clear guidelines given by NCTE. The NCTE does not say that the awarding of marks for claiming higher qualification for the post concerned is required to be ignored. It is only restricted to the equivalence of the degree for determining her eligibility criteria for the post of upper primary level.

7. The affidavit filed on behalf of the NCTE has stated that the diploma in elementary education (D.El.Ed) is a two-year professional programme of teacher education. It aims to prepare teachers for the elementary stage of education, i.e. Classes I to VIII. The aim of elementary education is to fulfill the basic learning needs of all children in an inclusive school environment bridging social and gender gaps with the active participation of the community. For the post of seeking appointment as teacher for Classes VI to VIII (for upper primary), the D.El.Ed degree is treated as equivalent in terms of Clause-4 of Table-4 and once a candidate fulfills the requirement of Clause-4 of Table-4 and has

acquired 55% and above marks, she would be entitled to 6 marks.

8. Admittedly, in the instant case, the petitioner is having equivalent degree for which she is eligible to be considered for appointment as Teacher in the upper primary. On the basis of such degree, the petitioner is entitled to 6 marks, provided she has obtained 55% and above marks in the D.El.Ed course.

9. In view thereof, we dispose of this appeal by directing the School Service Commission to award 6(six) marks provided she has obtained 55% and above marks in the D.El.Ed course.

10. In view of the aforesaid, the appeal being MAT 975 of 2022 stands disposed of.

11. In view of the disposal of the appeal, the application being CAN 1 of 2022 is accordingly disposed of.

12. However, there shall be no order as to costs.

13. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)

