

06.09.2023
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W.P.A. 11542 of 2020
Somnath Ghosh
Vs.
The State of West Bengal & ors.
With
W.P.A. 6413 of 2020
Sandip Das & ors.
Vs.
The State of West Bengal & ors.

Mr. Siddhartha Ruj
... for the petitioner in
WPA 11542 of 2020

Mr. Ayan Kumar Boral
Mr. Anisur Rahaman
... for the petitioner in
WPA 6413 of 2020

Mr. Ratul Biswas
... for the Board

Mr. Sarwar Jahan
Sk. Nayeemul Haque
Mr. Asif Mehdi
... for the respondent nos.5 & 6

Re : W.P.A. 6413 of 2020

By order dated January 25, 2023 a co-ordinate Bench of this Court had disposed of this writ petition.

In light of the same, let this writ petition be treated as disposed of and the department concerned is directed to strike off the matter from the ledger.

Re : W.P.A. 11542 of 2020

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by an order dated March 2, 2020 passed by

the Secretary, West Bengal Board of Primary Education, Government of West Bengal wherein relying upon the notification No.389(38)-SE(E)/PTTI-7/11 dated August 13, 2012, the petitioner's qualification has been rejected.

The relevant portion of the said notification is delineated below :

3) Teachers appointed from 01.01.2006 onwards should possess at least 50% marks in H.S. Examination or equivalent (45% in case of candidates belonging to reserved category and Exempted Category) and 2 years Diploma in Teacher Training Course (D. El. Ed.); or should be Graduate from recognised University (with any percentage of marks) with 2 years Diploma in Elementary Education.

4)

It is now clarified that any teaching personnel appointed on or after 03.09.2001 having deficiency in the aforesaid qualifications shall have to up-grade his/her academic qualification to the extent of 50% marks in H.S. (45% in case of reserved candidates as well as candidates belonging Exempted category) if he/she is not a Graduate from a recognised university (with any percentage of marks); and thereafter/ simultaneously he/she will have to undergo 2 years Diploma Course in Elementary Education. However, if any candidate completes one yr. Course in Teacher Training from State recognised Institution on or before 31.12.2005, another one years' Bridge Course in Teacher Education shall meet his Teacher Training requirement and same will be treated as equivalent to D. El. Ed.

It may further be clarified that if a candidate is deficient in both academic and teacher training qualifications, he/she will be allowed to pursue both

courses simultaneously on the condition that final examination result of teacher training course will be withheld till attainment of 50% marks in High Secondary Examination.”

The argument of the petitioner is that the petitioner had got employment in the year 2010 and subsequently, completed his graduation and also the 2 years’ requirement of diploma course by way of one year’s course in Teacher Training and one year’s Bridge Course. It is the submission of the petitioner that if the petitioner is a Graduate from a recognised University with 2 years Diploma course in Elementary Education, he is not required to have 50% marks in the Higher Education Examination, as the same is excluded as per Clause 3 of the said notification.

Per contra, Counsel on behalf of the Board submits that the argument of the petitioner is fallacious as the said notification clarifies in the subsequent paragraphs that if a candidate is deficient in both academic and teacher training qualifications, he is required to pursue both courses simultaneously on the condition that final examination result of teacher training course would be withheld till the candidate attains 50% marks in Higher Secondary Examination.

It is not in dispute in the present writ petition that the petitioner has not obtained 50% in Higher Secondary Examination, and accordingly, he does not qualify as per the said notification and therefore, I am of the view that he does not qualify as per the said notification.

In light of the same, I do not find any reason to interfere with the impugned order dated March 2, 2020 passed by the Secretary, West Bengal Board of Primary Education, Government of West Bengal.

With the above observations, this writ petition is disposed of.

All parties are to act on the basis of website copy of this order.

(Shekhar B. Saraf, J.)