

04.07.2024
Court No.13
Item No.21
AP

WPA 6888 of 2022

**Manas Kumar Palta
Vs.
The State of West Bengal & Ors.**

Mr. Dilip Kumar Shyamal

... For the Petitioner.

Mr. Supriya Chattopadhyay
Mr. Mrinal Kanti Biswas

... For the State.

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Koushik Chowdhury

... For the WBBPE.

1. The report in the form of affidavit filed by the West Bengal Board of Primary Education has been considered by this Court and the same is taken on record.

2. The petitioner participated in the recruitment process to the post of Assistant Teacher after qualifying in TET 2014. The petitioner was empanelled and called for counseling. At the time of counseling/posting, the petitioner was found having less than 50 percent in the graduation level.

3. The petitioner, however, relies upon a notification of the NCTE dated 13th November, 2019 indicating that a person having more than 50 percent marks even in post-graduation can be considered for recruitment as a primary teacher. The petitioner made a representation on the same day of counseling after his rejection.

4. The Supreme Court in the case of ***Devesh Sharma Vs. Union of India*** reported in **2023 SCC OnLine SC 985** has declared that B.Ed. is not a valid training qualification for appointment of primary teachers. In the clarification dated 8th April, 2024 issued by the Hon'ble Supreme Court in the case of ***Devesh Sharma (supra)*** in ***Miscellaneous Application Diary No.4303 of 2024***, it was stated as follows:-

“.....We make it clear that this benefit is only for the candidates who were appointed prior to the date our judgment was delivered, on 11th August, 2023. Mere selection of such candidates or their participation in the process will not entitle them for a benefit under our present order.”

5. In view of the above, despite empanelment and counseling, the petitioner cannot be entitled to any appointment since he does not have a valid training qualification for being an Assistant Teacher in the State.

6. Hence, no relief can be granted to the petitioner.

7. The writ petition fails and hereby dismissed.

8. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)