

WPA 14571 of 2024

Tiyas Chowdhury & Ors.
-Vs-
The State of W. B. & Ors.

Mr. Sudipta Dasgupta
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon
Ms. Soma Mal
Ms. June Modak
.....*For the Petitioners*
Mr. Avishek Prasad
.....*For the DPSC, Malda*
Mr. Biswabrata Basu Mallick
.....*For the State*
Ms. Asha G. Gutgutia
.....*For the NCTE*

1. Affidavit of service and evidence of payment of full court fees are kept on record.

2. Communication dated 07.09.2023 produced by the District Primary School Council, Malda is kept on record.

3. All the petitioners have been appointed in the year 2021 under the recruitment process conducted by the District Primary School Council, Malda for the year 2009. The appointments of the petitioners were made under various orders passed by this court.

4. The petitioners do not possess valid training qualification as mandated by the National Council for Teacher Education under the provisions of Section 23(2) of the Right to Education Act of 2009.

5. By a communication dated 3rd August, 2017, the Additional Secretary (EE.II), Ministry of Human Resource Development, Department of School Education & Literacy, inter alia, addressed to the Commissioner of School Education and the West Bengal Board of Primary Education calling upon them to complete training of all in-service teachers then existing through an ODL programme of the National Institute of Open Schooling.

6. Further directions for implementation of the above was issued by the Central Government, Ministry of Human Resource Development. The District Primary School Council, Malda was asked by the State to send a list of all untrained teachers including the petitioners. The

Chairman, District Primary School Council, Malda has by three several communications in the year 2023 replied and furnished information as sought for.

7. The Government of West Bengal, School Education Department has however not been able to arrange any formal training to the petitioners.

8. It appears that the names of 642 in-service untrained teachers were sent on 7th September, 2023 to the Government of West Bengal, School Education Department and it was proposed that a two year D.El.Ed. course would have to be undergone by them in the year 2023-2025.

9. This court notes that if 642 teachers, which may or may not include the petitioners are sent for a two-year full time course, the same shall severely impact the level of instruction in the primary schools in which the petitioners are teachers. On the other hand, in the absence of the aforesaid two-year training course, the petitioners and other untrained teachers may end up losing their job.

10. This court, therefore, directs the Commissioner of School Education and/or the West Bengal Board of Primary Education to take a decision within a period of one month from date of communication of the copy of this order as to modalities of sending untrained teachers including the petitioners within the District Primary School Council, Malda for completing and undergoing their training course.

11. The Board or the State shall bear in mind the proposal of the Additional Secretary (EE.II), Ministry of Human Resource Development, Department of School Education & Literacy, as contained in his letter dated 3rd August, 2017 (Annexure 'P-14' to the writ petition).

12. This court holds that the Board and/or the State may in their discretion also choose the two-year training

course provided by the National Institute of Open Schooling under the ODL mode for facilitating the training requirement of the petitioners and other untrained teachers under the District Primary School Council, Malda.

13. It is expected that a decision is taken and communicated to the Chairman, District Primary School Council, Malda by the State under the West Bengal Board of Primary Education as expeditiously as possible since in the absence of a formal training qualification of two-years, the petitioners are missing out on the 'A' category pay scale.

14. It is made clear that until a formal offer to each of the untrained teachers is made for undergoing a training course, inter alia, in the manner as indicated above, their service shall not be disturbed in any manner whatsoever.

15. With the aforesaid observations, the writ petition stands disposed of.

16. Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously after compliance of all necessary formalities.

(Rajasekhar Mantha, J.)