

29.04.2024
Court No.13
Item No.13
ap

WPA 14503 of 2023

**Ranjana Mukherjee and Ors.
Vs.
The Union of India and Ors.**

Mr. Biswarup Biswas,
Ms. Atryee Dey Ganguly.

... For the Petitioners.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury

... For the WBBPE.

Ms. Susmita Saha Dutta.

... For the Union of India.

Mr. Nilarnab Paul.

...For the respondent nos.6 to 10.

1. Notice of upgradation has been served with the respondents. Copy of the receipt of the notice is taken on record.

2. It appears that the petitioner No.2, Shreyasa Chakraborty, could not appear in the examination as she was hospitalized for delivery of child. The other nine petitioners failed in the examination conducted in the year 2019.

3. Counsel for the petitioner, Mr. Biswarup Biswas, refers to the programme guide for Professional Development Programme for Elementary Teachers (PDPET) issued by the National Institute of Open Schooling (NIOS) annexed to the writ petition.

4. In the last page of the programme guide (internal page No. 156) at page 158 of the writ petition under the

heading “Re-appear in Examination” it is stipulated that if someone fails to clear any of the subjects or its part in one attempt/term, they can again appear in three subsequent attempts/terms of examination to complete the course, upon payment of examination fees to the NIOS.

5. Admittedly, the petitioners are working as Assistant Teachers in Primary Schools under the State. They hold B.Ed. qualification. The said qualification has been declared ineligible. The said B.Ed. qualification has not been recognized by the Supreme Court as a qualifying course to enable a person to teach primary students.

6. By an order dated **8th April, 2024** in Miscellaneous Application **Diary No.4303 of 2024** (arising out of impugned final judgement and order dated **11th August, 2023** in **C.A. No. 5068/2023** passed by the Supreme Court of India) in **Devesh Sharma Vs. Union of India and Ors.**, the Supreme Court at page 8 of the said order permitted in service B.Ed. degree holders, to undergo a bridge course that will entitle them to be treated as trained candidates.

7. In view of the above, if the petitioners are allowed to appear for the examination afresh, after failing in earlier attempt or not being able to give the examination for other reasons, the petitioners would be entitled to a

valid training qualification and consequently 'A category' pay scale.

8. Since the NIOS itself permits SYCT i.e. (Subject Yet to Clear in Theory), the petitioners are entitled to reattempt the said bridge course examination of PDPET course of the year 2017, examination whereof was held in the year 2019 in terms of the programme guide, the petitioners are entitled to reappear in the examination in three subsequent attempts upon payment of fees to the NIOS.

9. In these circumstances, this Court directs the NIOS to permit the petitioners to participate for the next available PDPET examination upon payment of prescribed fees and production of their credentials and documents.

10. With the aforesaid directions, the writ petition is disposed of.

11. There shall be no order as to costs.

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

(Rajasekhar Mantha, J.)