

Item No.6

19.07.2024
Ct-14

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 18406 of 2024
Abdus Samad Molla & Ors.
v.
The State of West Bengal & Ors.

Mr. Suman Dey
... for the petitioners.

Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
... for DPSC, North 24-Parganas.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... for WBBPE.

The receipt showing payment of deficit court fees
be taken on record.

The petitioners are untrained primary school
teachers. Some of them possess less than 50 percent
marks in the Higher Secondary Examination and some
possess the qualification of Madhyamik.

The Commissioner of School Education, West
Bengal and the President of the West Bengal Board of
Primary Education in a meeting held on June 25, 2024
took a decision for sending the untrained teachers for
undergoing their training course.

Online applications were to be submitted within
13th July 2024 with the minimum eligibility criteria as
laid down under the NCTE Regulations, 2014. The date
of submission of online application has since been
extended till July 20, 2024.

The petitioners intend to undergo the training course but as they do not qualify in terms of the modalities set out for training, they have approached the Court for relief.

Reliance has been placed on the orders dated July 10, 2024 and July 11, 2014 passed by a coordinate Bench of this Court in WPA No.17597 of 2024 (Santanu Pal & Ors. v. The State of West Bengal & Ors.) wherein under similar circumstances the court permitted the untrained primary school teachers to obtain two years' mandatory training through the Government recognized private self-financed institutions in addition to the Government sponsored and the Government aided PTTI and DIET imparting institutions. The condition of obtaining 50 percent marks in the Higher Secondary Education has been condoned by the Court.

There are instances where the candidates with Madhyamik qualification were also given appointment. There is no reason as to why the benefit of obtaining training shall not be extended to those teachers who were appointed with the qualification of Madhyamik. Accordingly, the in-service teachers with the Madhyamik qualification and teachers having less than 50 percent marks in the Higher Secondary Examination will be entitled to undergo the D.EL.ED training. The district-wise bar in taking admission is also waived.

If vacancy is available in the Government sponsored and Government aided PTTI and DIET imparting institutions, then the petitioners may be considered for admission in such institutions.

It will be open for the Commissioner of School Education to extend the date for filing the application for obtaining admission in the training course.

The matter is made returnable on July 23, 2024.

Affidavit-of-service filed in Court today is taken on record.

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

Sh

(Amrita Sinha, J.)