

09.09.2024
Ct. No. 14
Sl. No.25
KB

**In The High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

W.P.A. No.20544 of 2024

**Tarun Kumar Sardar & Ors.
-versus-
The State of West Bengal & Ors.**

**Mr. Sudipta Dasgupta,
Mr. Arka Nandi,
Mr. Baibhav Roy
... For the petitioners.**

**Mr. Sukanta Chakraborty
Mr. Ayanabha Raha
...For UOI.**

**Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharyya
... For the DPSC, 24 Pgs.(S).**

**Mr. Supriyo Chattopadhyay
Mr. Suman Dey
... For the State.**

**Ms. Asha G. Gutgutia.
...For NCTE.**

**Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... For WBBPE.**

**Mr. Nilarnab Paul
Ms. Soumita Das.
...For Respondent
Nos. 12 to 15.**

The petitioners are primary school teachers possessing B.Ed. degree. They participated in the recruitment process initiated by the North 24 Parganas

District Primary School Council in the year 2009 and were issued letter of appointment in the year 2021.

The appointment notice published by the Council on 23rd April, 2010 for appointment as primary school teacher prescribed the minimum qualification of passing Madhyamik Examination of the West Bengal Board of Secondary Education or its equivalent.

With the promulgation of the Right to Education Act, 2009 the National Council of Teacher Education (NCTE) mandated the teachers to obtain regular two years Diploma in Elementary Education training as compulsory qualification for teaching in the Primary Schools.

The dispute whether B.Ed can be treated as a valid qualification for teachers at primary level cropped up before various courts throughout the country and the matter ultimately travelled up to the Hon'ble Supreme Court. The Hon'ble Supreme Court by its parent order dated 11th August, 2023 **in C.A. No.5068/2023** in the matter of **Devesh Sharma -vs- Union of India & Ors.** held that D.El.Ed is the qualification for teaching in primary schools.

By a clarificatory order passed on 8th April, 2024 in **Miscellaneous Application Diary No.4303/2024** arising out of final judgment and order dated 11-08-2023 passed order that the candidates having B.Ed. qualification will have to undergo a bridge course and

the educational authorities were directed to device such course which would be applicable for each State and Union Territory within a period of one year from the date of the order. The course shall be designed only for appointees engaged with B.Ed. Degree. NCTE was directed to design such course under overall supervision of the Ministry of Education, Union of India.

The petitioners, being B.Ed degree holders, teaching in primary schools intend to undergo the six months bridge course.

The District Primary School Council, North 24 Parganas vide notice dated 5th April, 2024 requested all the Sub Inspector of Schools to prepare a chart containing the details of the untrained teachers, however, excluding the teachers having B.Ed. qualification.

The petitioners contend that the notice of the Council implies that candidates possessing B.Ed degree have been considered as trained teachers and, as such, they have been left out of the ambit of training meant to be imparted to teachers who do not have any training at all.

The petitioners argue that because of the B.Ed qualification that they possess, they are liable to be treated as trained ones. The petitioners, however, seek permission to undergo the six months bridge course.

The petitioners also seek 'A' category scale of pay relying on the decision passed by the Hon'ble Division Bench in ***MAT 1038 of 2024 with CAN 1 of 2024, CAN 2 of 2024 and CAN 3 of 2024 (Waliur Rahaman & Ors. Vs. The State of West Bengal & Ors.)*** wherein the Court was considering an issue as to whether the candidates who did not undergo six months bridge course would be entitled to 'A' category scale of pay or not.

The Court considered the report which revealed that huge number of teachers who do not possess the six months bridge course training were already getting 'A' category scale of pay.

Under such facts and circumstances the Court passed order that the teachers possessing B.Ed qualification who did not undergo the six months bridge course shall be provided 'A' category scale of pay in the same manner as provided to teachers possessing D.El.Ed qualification. The authority was directed to take an independent decision in granting such scale of pay.

Learned senior advocate representing the State respondents relies upon a report filed by the Commissioner of School Education signed on 29th August, 2024 which mentions that the teachers who possess B.Ed. qualification will have to undergo six months bridge course.

The Hon'ble Supreme Court in the matter of Devesh Sharma (supra) was pleased to hold that B.Ed. is no longer a recognized training qualification for teaching students in the primary schools. The candidates possessing B.Ed. qualification is required to undergo a bridge course and the said course is required to be designed by NCTE.

In line with the direction passed by the Hon'ble Supreme Court it is hereby directed that as and when such course is designed by NCTE, the District Primary School Council shall forward the details of the petitioners for obtaining the six months bridge course.

Following the direction by the Hon'ble Division Bench of this Court in the matter of Waliur Rahaman & Ors. (supra) the Council is directed to consider the prayer of the petitioners for grant of 'A' category scale of pay as has been allowed in respect of several other similarly placed teachers.

A decision with regard to grant of 'A' category scale of pay shall be taken by the District Inspector of Schools (Primary Education), North 24 Parganas with the approval of the competent authority at the earliest but positively within a period of eight weeks from the date of communication of this order.

In the event the District Inspector of Schools (Primary Education), North 24 Parganas is of the opinion that the petitioners would be entitled to 'A'

category scale of pay, then consequential steps shall be taken by the said authority immediately thereafter.

The writ petition stands disposed of.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)