

11-07-2024
ct no. 13
Sl. 38
sp

WPA 26239 of 2023
Nimai Chandra Sahis & Ors.
-Versus-
State of West Bengal & Ors.

Mr. Sudipta Dasgupta,
Ms. Salini Ghosh

..for the petitioners

Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee

..for the State

Mr. Saikat Banerjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

..for the WBBPE

1. The petitioners comprise of 8 B. Ed. and 3 Dl. Ed. candidates. They participated in the recruitment process of the year 2020. They were initially unsuccessful. Subsequently under orders of a Co-ordinate bench of this Court passed in WPA 22843 of 2022 they were allowed to sit for interview which was conducted in the year 2022.
2. The writ petitioners challenge a notification of the WBBPE dated 31st August, 2023 which held that persons having B. Ed qualifications are not entitled to participate in the recruitment process to the post of primary teachers. As far as the D.El.Ed. (Regular) qualified candidates are concerned, it is submitted that at least they

should be entitled to participate in the recruitment process.

3. The aforesaid facts of the case have been pleaded in a very clear and succinct manner by Ms. Salini Ghosh, led by Mr. Sudipta Dasgupta, learned counsel for the petitioners.
4. Ms. Ghosh has argued that the Board in paragraph 29 of the decision of the Supreme Court in the case of ***Ali Hossain Mondal Vs. WBBPE*** reported in ***2024 SCC Online SC 1189***, should not be applicable to the Dl. Ed petitioners as they had participated in the interview and succeeded therein pursuant to the orders of a Co-ordinate bench of this Court.
5. It is next argued by Ms. Ghosh that ***Devesh Sharma Vs. Union of India & Ors.*** reported in ***2023 SCC Online SC 985*** should be interpreted in a manner, not to apply to persons who participated in the recruitment process of the year 2020 since the judgment was delivered by the Supreme Court in May, 2024.
6. This Court has carefully heard the arguments advanced by Ms. Ghosh. It is now well-settled that the ***Devesh Sharma case (supra)*** has been clarified in April, 2024 to carve out an exception, only for in service teachers. The B. Ed. petitioners, therefore, will not get the benefit

since they only participated in the recruitment process and were not issued letters of appointment.

7. Insofar as the D.El.Ed. candidates are concerned, this Court is of the view that though the three petitioners participated in the 2020 recruitment process under orders of a Co-ordinate bench, their results having been declared in the year 2022. The clear and explicit bar in paragraph 29 of the decision of the Supreme Court in the case of ***Ali Hossain Mondal (supra)*** would negate any relief to them.
8. The petitioners are, therefore, not entitled to any relief.
9. This Court, however, records appreciation for the sincere efforts and the able manner in which Ms. Salini Ghosh has placed the case on behalf of the petitioners.
10. With the aforesaid observations, the instant writ petition is disposed of without any orders.
11. There shall be no order as to costs.
12. Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all formalities.

(Rajasekhar Mantha, J.)