

04.01.2024
Item No.17-19
gd/ssd

WPA/2890/2023

BHUSAN RAVA AND ANR
VS.
STATE OF WEST BENGAL AND ORS.

with
WPA 2892/2023
AMIT KUMAR ISHWARARY & ANR.
VS
STATE OF WEST BENGAL AND ORS.

with
WPA 805/2021
BHUSAN RAVA AND ORS
VS
STATE OF WEST BENGAL AND ANR.

Mr. Ankur Barman,
Mr. Sayantan Bhowmik
..for the petitioners.

Mr. Hirak Barman,
Mr. Kumar Shantanu
..for the State in WPA 2890 of 2023.

Mr. Bikramaditya Ghosh,
Ms. Surpiya Singh
..for the respondent no.2

Mr. Deborshi Dhar,
Ms. Oshmita Mukherjee
..for DPSC Cooch Behar.

RE: WPA 805 of 2021

The writ petitioners who are four in number.
They were appointed as Assistant Teachers in
primary school sometimes in the month of March,,
2010. At the time of appointment the petitioners had
the Madhyamic qualification and they also completed

one year PTTE examination in the year 2005 which is a training qualification. At the relevant point of time i.e. at the time of appointment the aforesaid academic qualification and the training qualification was sufficient for a candidate to be appointed as an assistant teacher in a primary school. Subsequently, a notification being Memo No.389(38)-SE (BE)/PTTI-7/11 dated 13.08.2012 was issued to all District Primary School Councils for upgradation of qualifications of Primary School Teachers as per the provision of Right to Education Act, 2009. The said Notification states that the teachers appointed from 01.01.2006 onwards should possess at least 50% marks in H.S. Examination or equivalent (45% in case of candidates belong to reserved category and Exempted Category) and two years Diploma in Teacher Training Course (D.El.Ed.) or should be Graduate from recognized University (with any percentage of marks) with two years Diploma in Elementary Education.

It was further clarified in the said notification that if a candidate is deficient in both academic and teacher training qualifications, he/she will be allowed to pursue both courses simultaneously on the condition that final examination result of teacher training course will be withheld till attainment of 50% marks in Higher Secondary Examination.

The petitioners claim to have undergone one year bridge course conducted by the West Bengal Board of Primary Education through its study centre in Cooch Behar and appeared at the term end examination which was held in the year 2014.

Since at that relevant point of time i.e. at the time when the results of Bridge Course Examination 2014 was declared the petitioners were yet to upgrade their academic qualification as Higher Secondary with requisite percentage of marks, the results of the respective writ petitioners of one year's Bridge course , 2014 were withheld.

The petitioners claim to have passed the Higher Secondary Examination sometimes in the year 2018 and have secured more than 50% marks in the said examination. Thereafter the petitioners approached the concerned respondent authority for publishing their results and issuance of the mark sheet in connection with the one year Bridge Course, 2014.

The grievance of the petitioners is that the concerned respondent authority was sitting tight over the matter which compelled the petitioners to approach this Court by filing WPA 805 of 2021. The said writ petition was, however, dismissed by a Coordinate Bench by ban order dated November 4, 2022. The petitioners preferred an intra court appeal

being MAT 99 of 2022 and the Hon'ble Division Bench by an order dated September 19, 2023 allowed the said appeal thereby setting aside the order dated November 4, 2022 passed in WPA 805 of 2021 and remanded the matter to the learned Single Judge having determination to take up the same for being reheard and re-adjudicated on merits. After remand this writ petition has come up for final hearing today.

Heard the learned advocates for respective respondents.

It appears from the materials on record that the respondent authority was justified in withholding the results of the writ petitioners in respect of one year Bridge Course, 2014 till the publication of the results of the Higher Secondary Examination. However, since it is not in dispute that the results of the Higher Secondary Examination in which the petitioners participated have been published and the petitioners have secured more than 50% marks in the said examination, the concerned respondent should be directed to publish the results of the petitioners in respect of the one year Bridge Course, 2014 and to issue the mark sheets and the certificates to the petitioners.

For the reasons as aforesaid WPA 805 of 2021 stands allowed. The Secretary, West Bengal Board of

Primary Education being the 2nd respondent is directed to issue the mark sheets and certificates to the writ petitioners in respect of one year Bridge Course, 2014 in which the petitioners have appeared, within a period of three weeks from the date of receipt of the server copy of this order.

Re: WPA 2890 of 2023.

Affidavit of service filed in court today is taken on record.

In view of the order dated 4th January, 2024 passed in WPA 805 of 2021, no further order is required to be passed in this writ petition.

The writ petition accordingly, stands disposed of.

Re: WPA 2892 of 2023.

Affidavit of service filed in court today is taken on record.

In view of the order dated 4th January, 2024 passed in WPA 805 of 2021, no further order is required to be passed in this writ petition.

The writ petition accordingly, stands disposed of.

(HIRANMAY BHATTACHARYYA, J.)