

13.06.2025
Court No. 18
Item No. 02-26
(Suvendu)

WPA 6695 of 2024
With
CAN 1 of 2025
CAN 2 of 2025
CAN 3 of 2025

Pampa Dutta Dhar & Ors.
-Versus-
Union of India & Ors.
with

WPA 29094 of 2024

Atanu Kumar Rana & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 29632 of 2024
With
CAN 1 of 2025

Milon Shat & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 30152 of 2024

Sumanta Garai & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 30153 of 2024
With
CAN 1 of 2024
CAN 2 of 2024

Sk. Najimuddin & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 30683 of 2024

Amit Kumar Ghosh & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 371 of 2025

Sumsun Nehar & Anr.
-Versus-
The State of West Bengal & Ors.
with

WPA 677 of 2025

Bapijul Mondal & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 2078 of 2025

Chaitali Mudi
-Versus-
The State of West Bengal & Ors.
with

WPA 2359 of 2025

Sk. Rakibul Ali
-Versus-
The State of West Bengal & Ors.
with

WPA 2536 of 2025

Chinmoy Bera & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 2609 of 2025

Soma Purkait & Ors.
-Versus-
The State of West Bengal & Ors.
with

WPA 2611 of 2025

Md Shabbir Alam & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 2613 of 2025

Rathin Sarkar

-Versus-

The State of West Bengal & Ors.
with

WPA 2615 of 2025

Gopinath Dutta

-Versus-

The State of West Bengal & Ors.
with

WPA 5427 of 2025

Debanjan Nath & Anr.

-Versus-

The State of West Bengal & Ors.
with

WPA 6504 of 2025

Fatema Khatun & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 10474 of 2025

Amrita Das & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12457 of 2025

Ismatara Mondal & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12544 of 2025

Aparna Adak Das & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12586 of 2025

Rinku Nandi & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12634 of 2025

Anwesha Biswas & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12635 of 2025

Kumar Das & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12686 of 2025

Sahista Shahid & Ors.

-Versus-

The State of West Bengal & Ors.
with

WPA 12747 of 2025

Prabir Mandal

-Versus-

The State of West Bengal & Ors

Mr. Bikash Ranjan Bhattacharyya

Mr. Firdous Samim

Mr. Kumar Jyoti Tewari

Mr. Sabyasachi Chatterjee

Mr. Ali Ahsan Alamgir

Mr. Shuvro Prokash Lahiri

Mr. Anindya Bose

Mr. Gourav Das

Mr. Tanmoy Basu
 Mr. Tarun Jyoti Tewari
 Mr. Bikramjit Dutta
 Mr. Amrit Sinha
 Mr. Aniruddha Tewari
 Ms. Gopa Biswas
 Ms. Samriddhi Nayek
 Ms. Kousiki Bose
 Ms. Payel Shome
 Ms. Swati Dey
 Mr. Hasanuz Zaman Molla
 Mr. Mainak Ghosal
 Mr. Dipankar Bhakta
 Ms. Rabia Khatoon
 Ms. Soma Mal
 Ms. June Modak
 Ms. Madhumati Das
 Ms. Ambika Sasmal
 Mr. Rajesh Naskar
 Ms. I. Roy
 Mr. Ankan Mondal
 Mr. Tanmay Basu
 Md. Aasif Iqbal
 Mr. Ramal Singha Roy
 Mr. Santanu Maji
 Mr. Mridul Biswas
 Ms. Debrani Mandal

.....for the petitioners

Mr. Santanu Kumar Mitra
 Mr. Subhabrata Das
 ...for the State (WPA 29094/2024
 & WPA 2613/2025)

Mr. Bhaskar Prasad Vaisya
 Mr. Ranjan Saha
 Mr. Suman Dey
 Mr. Sagnik Chatterjee
 Mr. Nilay Baran Mondal

...for the State (WPA 29632/2024,
 WPA 30153/2024, WPA 371/2025, WPA 2078/2025,
 WPA 12634/2025, WPA 12586/2025, WPA 10474/
 2025, WPA 5427/2025, WPA 2609/2025, WPA 2536
 /2025 & WPA 30152/2024, WPA 2536/2025)

Mr. Himadri Sikhar Chakraborty
 Ms. Susnita Saha
for the State (WPA 2536/2025
 & WPA 677/2025)

Mr. Supriyo Chattopadhyay
 Ms. Sayantanee Bhattacharjee
 ...for the State (WPA 12686/2025)

Mr. Pinaki Dhole
 Mr. Avishek Prasad
for the State (WPA 2615/2025)

Mr. Suman Dey
 Mr. Kaustav Bhattacharya
for the State (WPA 30683/2024)

Mr. Dipanjan Datta
 Mr. Subhajit Chowdhury
 ...for the State (WPA 2611/2025 &
 WPA 6504/2025)

Mr. Subir Sanyal
 Mr. Ratul Biswas
 Mr. Kaushik Chowdhury
for the WBBPE

Dr. Sutanu Kr. Patra
 Ms. Supriya Dubey
for the WBCSSC (WPA 2359/2025)

Ms. Asha G. Gutgutia
for the NCTE

Mr. Rajendra Banerjee
 Ms. Jayita Dhar
for the UOI
 (WPA 6695/2024)

Mr. Avishek Prasad
 Mr. Souradeep Singha
for the DPSC, Malda

- 1) All the matters are taken up together for consideration since common issue is involved.
- 2) Affidavit of services filed on behalf of the petitioners are taken on respective records.
- 3) Documents in support of petitioners' putting in deficit Court Fees are placed before this Court and same are also taken on records.

4) Dr. Patra, learned advocate representing West Bengal Central School Service Commission (for short, "Commission") in WPA 2359 of 2025 (Sk. Rakibul Ali Vs. State of West Bengal & Ors.) submits that inadvertently the Commission has been made party in WPA 2359 of 2025 but West Bengal Board of Primary Education (for short, "Board") has not been made party.

5) Since issue involved in WPA 2359 of 2025 centers around verification of eligibility of the candidate by the Board in connection with 2022 selection process for filling up the post of primary teachers in the State of West Bengal, same cannot be dealt with in absence of the Board. Hence, learned advocate for the petitioner in WPA 2359 of 2025 is granted leave to amend the cause-title by adding West Bengal Board of Primary Education as additional respondent and to expunge West Bengal Central School Service Commission from array of respondents as delineated in cause-title of said writ petition in course of this day. Since Mr. Sanyal, learned Senior Advocate represents the Board in other matters service of notice upon the Board stands dispensed with and a copy of the writ petition is made over to Mr. Sanyal.

6) It is submitted on behalf of the petitioners that they participated in 2022 selection process initiated by the Board for filling up the post of primary teachers in the State of West Bengal. It is also submitted that petitioners were in employment on 10th August, 2017 and completed eighteen months D.EL.Ed. (ODL) programme through National Institute of Open Schooling (for short, “NIOS”) before 1st April, 2019. It is contended on behalf of the petitioners that a notification has been issued by the Secretary of the Board on 30th May, 2025 in compliance with the solemn judgment of the Hon’ble Supreme Court delivered on 4th April, 2025 in **Civil Appeal arising out of SLP (C) No. 19139 of 2024 (Kousik Das & Ors. Vs. State of West Bengal & Ors.)** for verification of eligibility of the appellants in said appeal within a period from 9th June, 2025 to 18th June, 2025 at the office of the Board. It is submitted on behalf of the petitioners jointly that petitioners are not appellants before the Hon’ble Supreme Court in connection with **Civil Appeal arising out of SLP (C) No. 19139 of 2024** but petitioners are similarly circumstanced like appellants in connection with selection process of 2022 which is being conducted by the Board. Like appellants in **Civil Appeal arising out of SLP (C) No. 19139 of 2024**, petitioners were also in

employment on 10th August, 2017 but in view of notification dated 30th May, 2025 they are going to be excluded from the verification process. It is the contention of the petitioners before this Court on the backdrop of facts that both the appellants before the Hon'ble Supreme Court in aforesaid appeal and the petitioners before this Court jointly participated in 2022 selection process. Dispute arose whether the candidates having D.El.Ed. qualification from NIOS having duration of eighteen months would be treated eligible candidates or not for being appointed in the post of primary teachers in connection with 2022 selection process.

7) Some of the candidates who participated in 2022 selection process approached before a Coordinate Bench and issue ultimately went before the Hon'ble Supreme Court. The Hon'ble Supreme Court considering the issue delivered judgment in **Kousik Das** (supra) on 4th April, 2025 giving directions upon the recruitment authority to take certain steps. Paragraph 40 of said judgment dated 4th April, 2025 is quoted below:-

“We, therefore, pass the following order:

- i. The appeal is allowed;
- ii. The judgment and order dated 29th February 2024 passed by the learned Single Judge of the High Court is quashed and set aside;

- iii. The judgment and order dated 24th July 2024 passed by the Division Bench of the High Court is quashed and set aside;
- iv. The Writ Petition being W.P.A. 16118 of 2023 is dismissed.
- v. We clarify that such of the teachers who were in employment as on 10th August 2017 and who completed the 18 months D. El. Ed. (OLD) programme through NIOS before 1st April 2019 shall be considered as valid diploma holders for the purpose of applying in other institutions and/or for promotional avenues.
- vi. We direct the respondent-authorities to consider the candidature of such of the appellants who were in-service as on 10th August 2017 and that who, on verification, are found to satisfy the eligibility criteria shall be appointed within a period of three months from today."

8) It is contended that since petitioners are similarly circumstanced candidates like appellants before the Hon'ble Supreme Court having eligibility criteria as prescribed in the judgment dated 4th April, 2025 they may be permitted to participate in the verification process which is scheduled to be held from 9th June, 2025 to 18th June, 2025. In

support of such contention, reliance is placed on the judgment of the Hon'ble Supreme Court reported in **AIR 2025 Supreme Court 83** (*Paragraph nos. 14 to 17*) (**Lt. Col. Suprita Chandel Vs. Union of India & Ors.**).

9) Mr. Sanyal, learned Senior Advocate representing the Board upon placing reliance on the judgment of the Hon'ble Supreme Court delivered on 4th April, 2025 has submitted that the Hon'ble Supreme Court directed to consider the candidature of the appellants who were in service as on 10th August, 2017 and who, on verification, are found to satisfy eligibility criteria shall be appointed within a period of three months from the date of judgment.

10) According to the Board, in order to maintain the timeframe fixed by the Hon'ble Supreme Court in the judgment dated 4th April, 2025 exercise relating to verification of eligibility of the appellants needs to be completed at an early date for giving them appointment within prescribed time period of three months. At this juncture, if candidates who are similarly circumstanced like appellants before the Hon'ble Supreme Court having eligibility criteria are permitted to participate in the verification process that would take much time and it may not be possible for the Board to appoint the appellants within the time prescribed by the Hon'ble Supreme

Court since there are many candidates who may be similarly circumstanced but they have not been invited to participate in the verification process because they are not appellants before the Hon'ble Supreme Court.

11) Considering the submissions made on behalf of the parties, this Court needs to record first that the time-frame fixed by the Hon'ble Supreme court in the judgment dated 4th April, 2025 has to be complied with by giving appointment to the appellants in the event they are found suitable after completing the verification process. But, at the same time, it needs to be taken into consideration that if petitioners who participated in the same selection process having eligibility criteria and fulfilled the conditions as prescribed by the Hon'ble Supreme Court in the judgment dated 4th April, 2025 ought to be left out or not.

12) Considering the case at my hand, it is apparent that petitioners are standing on same pedestal with the appellants but only difference is they are not the appellants before the Hon'ble Supreme Court.

13) In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court delivered in **Suprita Chandel** (supra) wherein in paragraph 14 it has been observed that it is well-settled principle of

law that where a citizen aggrieved by an action of the Government department has approached the Court and obtained a declaration of law in his/her favour, other similarly circumstanced ought to be extended benefit without the need for them to go to Court. While enunciating law in **Suprita Chandel** (supra) Hon'ble Supreme Court relied upon **K. I. Shephard & Ors. Vs. Union of India & Ors.** reported in **(1987) 4 SCC 431** wherein it was observed that there is no justification to penalize those who have not litigated. Similarly circumstanced candidates should be entitled to the same benefits as the petitioners.

14) In view of law laid down by the Hon'ble Supreme Court in **Suprita Chandel** (supra) and **K. I. Shephard** (supra), this Court directs the Board to treat the petitioners as similarly circumstanced candidates as appellants before the Hon'ble Supreme Court and verify the eligibility of the petitioners at an early date without disturbing the verification process which has been initiated in terms of notification dated 30th May, 2025 which is confined to the appellants before the Hon'ble Supreme Court. Eligibility of the petitioners shall be verified provided they fulfill the conditions as stipulated by the Hon'ble Supreme Court in the judgment dated 4th April, 2025 to the extent that petitioners were in employment on 10th August, 2017 and completed

eighteen months D.EL.Ed. programme through NIOS before 1st April, 2019. Petitioners are also required to comply with the norms as prescribed in the notification dated 30th May, 2025 issued by the Secretary of the Board. After verification of the petitioners a comparative merit chart is to be prepared for filling up the post of primary teachers in connection with 2022 selection process. After preparation of merit chart of the petitioners on completion of verification process to be initiated by the Board petitioners shall be at leave to take steps in accordance with law.

15) With the above observation and directions, all the writ petitions along with connected applications are disposed of.

16) Urgent photostat certified copy of this order if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

