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11.03.2025
Ct. No. 18
adeb

W.P.A. 2994 of 2025

**Purna Chandra Shit
Vs.
The State of West Bengal & Ors.**

Mr. Sakti Pada Jana
Mr. Subhajyoti Das
Ms. Sudipta Pramanik
...for the petitioner

Mr. Biswabrata Basu Mallick
Ms. Parna Roy Chowdhury
...for the State

Mr. Robiul Islam
Mr. M. Rahaman
...for the respondent no. 7

Mr. K.M. Hossain
...for the respondent no. 8 (school)

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, *inter alia*,
petitioner has questioned selection of respondent
no. 7 for the post of Assistant Headmaster in
Telipukur High School (HS), Paschim Medinipur.
Learned advocate representing the petitioner has
relied upon annexure A to the guidelines for
recruitment of assistant headmaster/assistant
headmistress of recognized aided non-Govt.
secondary schools/higher secondary schools,
Government sponsored school and all types of
recognized and aided madrasahs which was
issued vide memo dated 10th July, 2002.
According to the petitioner manner of awarding

marks in the interview for preparation of panel for the post of assistant headmaster in a Government aided secondary Schools is delineated in annexure A wherefrom it appears that Hons. Graduate (Regular) qualification a candidate obtaining 1st division/class is required to be awarded 7 marks. In the present case respondent no. 7 being the first man in the panel was awarded 7 marks erroneously as it is contended on behalf of the petitioner since petitioner did not obtain Hons. Graduate qualification through regular course. It is further submitted that petitioner obtained Hons. Graduate qualification through Distance Mode of Education from Netaji Subhas Open University.

On the contrary it is submitted on behalf of the school authority that the issue has already been clarified by a public notice dated 23rd February, 2018 issued by University Grants Commission wherein it is provided that Degrees/Diplomas/Certificate awarded for programmes conducted by the ODL Institutions recognized by the erstwhile DEC/UGC, in conformity with UGC Notification on Specification of Degree should be treated as equivalent to the corresponding awarding of the

Degrees/Diplomas/ Certificate of the traditional Universities /Institutions in the country.

It is further submitted that the guidelines were framed vide notification dated 10th July, 2002 whereas this clarification was furnished on behalf of UGC on 23rd February, 2018. Therefore, the said guideline needs to be read on the anvil of subsequent clarification offered by the UGC as contained in public notice dated 23rd February, 2018.

Since issue has not yet been finally decided by the State authorities this Court finds it apt to direct the Commissioner of School Education, West Bengal being respondent no. 2 to take decision whether awarding of marks by the school authority in favour of respondent no. 7 against Hons. Graduate Degree while preparing panel for the post of Assistant Headmaster was done correctly or not. The respondent no. 2 shall pass a reasoned order within a period of 8 (eight) weeks from the date of communication of this order after granting opportunity of hearing to the petitioner, respondent no. 7 and the school authority or their representatives. The decision to be taken by the respondent no. 2 shall be communicated to the parties by 10 (ten) days thereafter.

The writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)