

Form No. J(2)
Item No. ML/1510
KAUSHIK - AR (CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. No.6998 of 2024

Biswajit Karmakar & Ors.

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioners : Mr. Vishak Bhattacharya, Adv.
Ms. Biyanka Bhattacharya, Adv.

For the WBBPE : Mr. Ratul Biswas, Adv.
Mr. Kaushik Chowdhury, Adv.

For State : Mr. Arindam Chattopadhyay, Adv.
Ms. Lipika Chatterjee, Adv.

Heard On : 01.07.2025

Judgment On : 01.07.2025

Saugata Bhattacharyya, J.:

1. Petitioners by presenting this writ petition have made an endeavor to be considered for appointment as primary teachers either in connection with 2020 selection process or in connection with 2022 selection process conducted by the West Bengal Board of Primary Education (WBBPE) for filling up the post of primary teacher.

Petitioners are all TET 2014 qualified candidates. According to the petitioners, they are either to be considered in 2020 selection process or in 2022 selection process. Petitioners are having B.ED qualification or D.El.Ed qualification from National Institute of Open Schooling (NIOS). Petitioners in connection with their participation in 2022 selection process were not treated as trained candidates. It is further contended on behalf of the petitioners that they are to be treated as trained candidates and based on such consideration, petitioners ought to have been appointed as primary teachers in connection with 2022 selection process.

2. A report was filed on behalf of WBBPE wherein it is stated that in terms of the law laid down by the Supreme Court in *Devesh Sharma Vs. UOI* reported in 2023 SCC OnLine SC 985, B.Ed is not a valid training qualification for being considered for the post of primary teacher. In *Jaiveer Singh Vs. State of Uttarakhand* reported in 2023 SCC OnLine SC 1584, Hon'ble Supreme Court also declared that D. El. Ed (NIOS) is not valid training qualification for the post of primary teacher. According to Board, since petitioners were either having B.Ed qualification or D. El. Ed (NIOS), therefore, they were not treated as trained candidates in connection with 2022 selection process.
3. So far 2020 selection process is concerned, reliance is placed on the order passed by the Hon'ble Supreme Court on 9th May, 2024 in *Ali Hossain Mandal & Ors. Vs. West Bengal Board of Primary Education & Ors.* reported in 2024 SCC OnLine SC 1189 where it was observed in paragraph 29 that panel or merit list as notified on 15th February,

2021 stood extinguished after expiry of one year i.e. on 15th February, 2022 as per Rule 12 of the Recruitment Rules of 2016. It was also held no extension by any competent authority was granted to the 15th February, 2021 panel and therefore no relief can be granted to the candidates who approached the Court in May, 2022 i.e. long after panel stood extinguished. It was also held therein that no further appointment is permissible from the recruitment process initiated on 23rd December, 2020 when a fresh recruitment process commenced.

4. In view of enunciation of law by the Hon'ble Supreme Court in Ali Hossain Mandal (supra) petitioners cannot be considered in connection with 2020 selection process since present writ petition was filed on 7th march, 2024.
5. In connection with 2022 selection process nothing is shown from where a conclusion can be derived that any candidate having either B.Ed qualification or D. El. Ed (NIOS) was appointed on treating the said candidate as trained. It is also submitted that panel expired on 31st January, 2024 and writ petition was filed on 7th March, 2024 claiming right of being considered in connection with the selection process of 2022.
6. It is trite law that after expiry of the panel, right of the candidate to be considered in connection with the particular selection process is withered away.
7. Hence, no relief can be granted to the petitioners at this belated stage.
8. Hence, writ petition stands dismissed.

9. Urgent photostat certified copy of this order be given to the parties expeditiously, if applied for, on usual undertakings.

(Saugata Bhattacharyya, J.)