

13 29.04.2025
KC Ct.18

W.P.A. 8683 of 2025
Mahasweta Santra & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Tarunjyoti Tewari
Mr. Bikramjit Dutta
Ms. Kausiki Bose

....for the petitioner.

Mr. Bhaskar Prasad Vaisya
Mr. Ranjan Saha

....for the State.

Mr. Subir Sanyal
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

...for W.B.B.P.E.

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

Petitioners have approached this Court with
the present writ petition with a common prayer
that they should be treated as a trained candidates
in view of completing D. El. Ed. Course for the
session 2014-16, which was conducted under the
aegis of the West Bengal Board of Primary
Education (for short Board).

It is contended on behalf of the petitioners
that they took admission in D. El. Ed. Course for
the session 2014-16 and on due completion of the
course they were released on 30th June, 2016.
Subsequently, petitioners participated in the
selection process of 2016 for being appointed as
Primary Teachers in different districts and were

selected. Post participation of petitioners in 2016 selection process, D. El. Ed. certificates were issued to them in the month of August, 2017. Petitioners claimed status of trained candidates in connection with their participation in 2016 selection process. In support of the case made out in the writ petition two orders passed by Coordinate Benches dated 9th July, 2024 and 24th July, 2024 passed in WPA 13856 of 2023 are relied upon.

On the contrary, Mr. Sanyal, learned senior advocate representing Board has opposed this writ petition on the ground that petitioners applied for their participation in the selection process of 2016 as untrained candidate; therefore, they ought not to be treated as trained candidates in connection with the said selection process of 2016. In addition thereto, it is also submitted that though course was complete on 30th June, 2016, certificate was issued on 23rd August, 2017, as such petitioners' claim to be treated as trained candidates at the time of their participation in 2016 selection process is not justified. Prayer is made on behalf of the Board to file affidavit-in-opposition to the writ petition.

While considering the prayer made in the writ petition, this Court is required to take into account the fact that petitioners successfully completed two years D. El. Ed. Course on 30th

June, 2016 but for delay caused in issuing certificates whether petitioners would be prejudiced upon treating them as untrained candidates in connection with selection process of 2016. Issue is no more res integra in view of the orders passed by the Coordinate Benches on 9th July, 2024 and on 24th July, 2024 passed in WPA 13856 of 2023. In the above orders, it was decided that for delay caused in issuing training certificates in favour of the petitioners in that writ petition they ought not to be prejudiced by treating them as untrained candidates.

In consideration of aforesaid orders passed by the Coordinate Benches, this Court finds no purpose would be sub-served in calling for affidavits. It needs to be recorded herein that in writ petition being WPA 13856 of 2023, two orders were passed by Coordinate Benches one dated 9th July, 2024 and another dated 24th July, 2024 whereby it was finally decided that the Board is required to take necessary steps to correct the official records by treating the petitioners in that a writ petition as trained candidates. Board was party to the writ petition but no appeal was preferred against the order dated 24th July, 2024 and the order attained finality.

In consideration of the order dated 24th

July, 2024 and taking note of fact that petitioners completed D. El. Ed. Course in 2016 based on which petitioners were subsequently sanctioned 'A' category scale of pay in recognition of their training qualification consequently they are required to be treated as trained candidates in connection with 2016 selection process. Board is directed to act accordingly and treat the petitioners as trained candidates.

Writ petition stands disposed of.

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

(Saugata Bhattacharyya, J.)