

129 13.06.2025
rkd Ct.18

W.P.A. 10115 of 2025

Md. Shahbaz Arzoo & Ors.

-vs-

The State of West Bengal & Ors.

Mr. Tarunjyoti Tewari,
Mr. Bikramajit Dutta,
Ms. Kausiki Bose,
Mr. Dipankar Bhakta

....for the petitioner.

Mr. Bhaskar Prasad Vaisya,
Mr. Nilay Baran Mandal

....for the State.

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

....for the WBBPE.

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.

In support of such submission reliance is placed on the judgment of a coordinate Bench, reported in (2017) SCC Online Cal 356 passed on four writ petitions, first one being (Koyeli Chakraborty &

Ors. v. State of West Bengal & Ors.).

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 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.

Leave is granted to the learned advocate for the petitioners to amend the cause title for making certain correction relating to particulars of writ petitioners, in course of this day.

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.)