

Item-
6. 30-06-2025

MAT 679 of 2025
CAN 1 of 2025

sg

Ct. 8

Debdulal Acharya & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kamalesh Bhattacharyya
Ms. Rama Halder
...for the appellants
Mr. Subir Sanyal, Sr. Adv.
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
...for the WBBPE
Mr. Biswabrata Basu Mallick, Id. AGP
Mr. Sanjib Das
...for the State

Soumen Sen, J. (Oral)

1. The appeal is arising out of an order dated 4th November, 2024 passed by the learned Single Judge in a group of writ petitions in which the petitioners have prayed for their appointment as ‘trained candidate’. Initially, they were not awarded marks for training qualification by considering their D.Ed. (Special Education) training qualification.
2. The petitioners are the beneficiaries of the judgment in ***Sarthak Ghosh & Ors. Vs. The State of West Bengal & Ors.*** reported in ***(2017) 2 Calcutta Law Times 155 (HC)*** delivered by Hon’ble Justice Arijit Banerjee. In the writ petition before his Lordship, the present petitioners, inter alia, prayed for following reliefs:

“(a) A writ in the nature of mandamus commanding

the respondents, their men, agents, servants and subordinates particularly the respondent nos. 3 and 4 to consider the candidature of the petitioners in the recruitment process for Primary Teachers in West Bengal as per recruitment notice dated 25th September, 2016 as trained candidates having their Training Qualification, namely, Diploma in Education (Special Education) obtained from the institutions recognized by the Rehabilitation Council of India (RCI) and to act in accordance with law.”

3. It is submitted on behalf of the State respondents as well as the Board that it was not brought to the notice of the learned Single Judge that most of all the writ petitions were pending prior to the date of the judgment i.e. 1st March, 2017. The said submission does not appear to be correct in view of the fact that the rights of the petitioners to challenge such appointment, if made in the meantime, were clearly slept out in the interim order where the Board was directed to indicate in the appointment letters that such appointment shall be subject to and/or shall abide by the decisions in the pending writ petitions which were ultimately decided by Justice Arijit Banerjee.
4. The second writ petition on the subject was not in the nature of execution of the order passed by Justice Banerjee as it is a grievance of the writ petitioners that the financial benefits have not been extended to the writ petitioners on the basis of the judgement pronounced by Justice Banerjee on 1st March, 2017 treated the candidates/writ petitioners as trained candidates.

5. From the affidavit-in-opposition filed by the Board in this proceeding, it is clear that the Board has considered the writ petitioners as 'untrained candidates' notwithstanding a clear pronouncement to that effect by the Board. The Board has also entitled to establish that the issue involved in the present writ petition is also directly and substantially at issue before the coordinate Bench deciding the fate of 32,000 candidates. The said candidates admittedly were untrained candidates and the issues are completely different.
6. In the instant case, it is an admitted position that they were trained candidates who have attained finality as the judgment of Justice Banerjee was never appealed against and subsequently, all writ petitioners were treated as trained candidates.
7. It is needless to mention that the financial benefit would accrue from the date of initial appointment i.e. on and from 1st March, 2017 when the decision was rendered by the learned Single Judge.
8. In view thereof, we direct the State and the appropriate authorities to re-fix the salary of the writ petitioners as trained candidates on and from 1st March, 2017 and the arrear amount along with other consequential benefits, to be calculated, shall be paid to the writ petitioners within a period of twelve weeks from date.
9. With the aforesaid observations, the appeal and the

application are, accordingly, disposed of.

10. However, this order is only confined to WPA 14122 of 2023.
11. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)