

11.08.2025
rpan/20

MAT 846 of 2025
+
IA No.: CAN No. 1 of 2025 [Sec. 5]
+
IA No.: CAN No. 2 of 2025 [Stay]
Bhaswati Bhattacharyya & Others
– *Versus* –
The State of West Bengal & Others

Mr. Kamalesh Bhattacharya,
Mr. Sayan Datta,
Ms. Reshma Chatterjee,
Ms. Tanusree Bag
... for the Appellants.
Mr. Biswabrata Basu Mallick,
Mr. Sanjib Das
... for the State/Respondents.
Mr. Subir Sanyal,
Mr. Dwarikanath Mukherjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury
... for the WBBPE.

As we have invited the learned advocates appearing for the respective parties to advance their arguments on merits of the matter, the delay in filing the present appeal is condoned and the application for condonation of delay, being IA No.: CAN 1 of 2025 is disposed of.

Records reveal that a writ petition, being WPA 14111 of 2023 was preferred by the present appellants primarily praying for the following relief:

‘(a) A writ in the nature of Mandamus commanding the Respondent Nos. 4 and 5 namely the President and Secretary of the West Bengal Board of Secondary Education to rectify the errors/anomalies as reflected in the Notification dated 28th November, 2022 published/uploaded a list of break-up score of TET, 2014 qualified empanelled candidates against 42,949 vacancies in 2016 with a declaration that the petitioners were the ‘Trained Candidates’ in the Recruitment of 2016 having their Training, namely, Diploma in Education (Special Education) in terms of the judgment and order dated 1st March, 2017 passed in W.P. No.448 (W) of 2017 (Sarthak Ghosh & Ors. – Vs. – The State of West Bengal & Ors.) with other writ petitions, reported in (2017) 2 CAL CLT 155 (HC)’.

Mr. Bhattacharya, learned advocate appearing for the appellants submits that the appellants were having Diploma in Education (Special Education) and were initially appointed as untrained assistant teachers in different primary schools.

He submits that as the Diploma in Education (Special Education) qualification was not being accepted by the West Bengal Board of the Primary Education (hereinafter referred to as the Board) to

be a training qualification, persons, similarly situated with the appellants, preferred several writ petitions which were analogously heard and a judgment was delivered by the learned single Judge on 1st March, 2017. By the said judgment the Diploma in Education (Special Education) qualification was directed to be treated as a training qualification.

Mr. Bhattacharya further submits that in compliance of the said judgment, the appellants' qualification of Diploma in Education (Special Education) was treated to be a training qualification and they were also granted all the benefits as available to the trained candidates, as would be explicit from the documents annexed to the stay application. However, subsequent thereto, the appellants came across a memo dated 28th November, 2022, issued by the Secretary of the Board enclosing a list of candidates disclosing the *'break-up score of panel for the recruitment process of 2016 against 42,949 vacancies in respect of each empanelled candidates'*. In the said list, surprisingly, the appellants were shown as untrained candidates. *Ex facie*, the said list was erroneous inasmuch as the appellants could not have been shown as untrained candidates since

they were subsequently treated as trained assistant teachers in primary schools.

He contends that in view of such erroneous recording of status and qualification, the appellants would be seriously prejudiced. Ventilating such grievance and claiming a declaration that they are trained teachers, the appellants preferred the writ petition, *moreso* when, the appellants have no nexus with the litigations pertaining to cancellation of 32,000 untrained primary teachers in which final decision of this Court is still awaited.

He argues that the said issues were placed before the learned single Judge, however, in the order impugned in the present appeal it was observed *inter alia* that:

'The outcome of some pending appeals before the Hon'ble Division Bench of this Court have a bearing on the relief(s) sought for in these writ petitions; as such, the hearing of the matters is adjourned.'

Mr. Bhattacharya has also brought to the notice of the Court an order dated 30th June, 2025 passed by a co-ordinate Bench of this Court in an appeal, being MAT 679 of 2025 wherein the Hon'ble Court had observed categorically that the appellants, who are similarly situated with the

appellants in the present appeal *‘were trained candidates who have attained finality as the judgment of Justice Banerjee was never appealed against and subsequently, all the writ petitioners were treated as trained candidates’.*

Mr. Basu Mallick, learned Additional Government Pleader enters appearance on behalf of the State/respondents and submits that no allegation has been levelled against the State/respondents in the present appeal.

Mr. Biswas, learned advocate appearing for the Board, in his usual fairness, submits that there is no dispute as regards the fact that the appellants are trained teachers and were granted appropriate scale of pay, as would be explicit from the documents annexed to the stay application.

Answering our query, Mr. Biswas submits that the list, enclosed to the memo dated 28th November, 2022, was a list pertaining to the selection process of the year 2016 and in terms of the orders passed in separate proceedings, the said records had to be placed immediately and necessary corrections in the same could not be effected prior thereto. In the midst thereof, the judgment was delivered by the writ court directing

that the diploma qualification should be treated as training qualification.

In the said conspectus and upon hearing the learned advocates appearing for the respective parties, we are of the opinion that no useful purpose will be served by keeping the writ petition and the appeal pending till disposal of the writ petitions in connection with which the memo dated 28th November, 2022 was issued inasmuch as it clearly transpires from the documents on record that the appellants have been treated as trained assistant teachers in primary schools and have been granted the appropriate scale of pay. Such status and qualification of the appellants are undisputed.

With the above observations and directions, the writ petition along with the appeal and the connected application for stay, being IA No.: CAN 2 of 2025 are disposed of.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)