

11.08.2025
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MAT 847 of 2025
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IA No.: CAN No. 1 of 2025 [Sec. 5]
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IA No.: CAN No. 2 of 2025 [Stay]
Priyanka Chakraborty & 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 14067 of 2023 was preferred by the present appellants primarily praying for the following relief:

‘(a) A writ in the nature of Mandamus commanding the Respondents, their men, agents, servants and subordinates to rectify the

errors/anomalies as reflected in the Notification of break-up score of TET, 2014 qualified empanelled candidates against 42,949 vacancies in 2016 published on 28.11.2022 by declaring that the petitioners were the 'Trained Candidates' in the Recruitment of 2016 upon awarding training marks for their Training Qualification, 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 all the appellants were having Diploma in Education (Special Education) and the said 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. Aggrieved by such decision of the Board, 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 appointed as trained assistant teachers in primary schools, as would be explicit from the letters of appointment issued in favour of the appellants annexed at pages 174, 176, 178 and 180 of the stay application. The appellants were also granted all the benefits as available to the trained candidates. 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 para teachers and untrained candidates. *Ex facie*, the said list was erroneous inasmuch as the appellants could not have been shown as para teachers or as untrained candidates since they were appointed as trained candidates and assistant teachers in

different councils to the posts of assistant teacher 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, more so 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 were appointed as trained teachers and were granted appropriate scale of pay, as would be explicit from the letters of appointment issued by the respective councils.

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 letters of appointment issued to the respective appellants that they were appointed as trained assistant teachers in primary schools and were 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.)

