

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

05 31.10.2025
rkd Ct.18
DO

W.P.A. 17135 of 2025

Sintu Bhadra

-vs-

The State of West Bengal & Ors.

Mr. Ratikanta Pal,
Mr. Puranjan Pal,
Ms. Payal Mishra,
Mr. Sattik Dutta,
Ms. D. Ghosh

....for the petitioner.

Mr. Nilotpal Chatterjee,
Mr. Shibasish Banerjee

....for the State.

Ms. Afreen Begum

....for the respondent nos.6 & 7.

1. Matter is heard at length in presence of the learned advocates representing the petitioner and the State respondents.
2. In the writ petition memo dated 7th March, 2025 issued by the District Inspector of Schools (SE), Barrackpore, North 24 Parganas being respondent no.5 is questioned whereby it was decided by the said respondent that petitioner is not eligible to be considered for appointment as Assistant Headmaster in Kanchrapara Harnett High School (HS), North 24 Parganas as petitioner was not having regular B.Ed degree.
3. While throwing challenge to the contents of this

memo dated 7th March 2025 learned advocate for the petitioner has submitted that B.Ed. degree obtained from Open University needs to be considered as valid one in terms of Clause 2(b) of the Government notification dated 10th July, 2002 on the strength of the judgment delivered by a coordinate Bench dated 12th November, 2024 on a writ petition being WPA 18251 of 2019 (Sudip Adak vs. The State of West Bengal & Ors.).

4. Mr. Chatterjee, learned advocate representing the State respondents submits that though Rule 2(b) of the Government notification dated 10th July, 2002 relating to appointment of Assistant Headmaster postulates a situation where an Assistant Teacher is required to possess regular B.Ed. degree but the issue was considered by the coordinate Bench in *Sudip Adak* (supra) and it was decided in paragraphs 16 & 17 that B.Ed. degree obtained from Open University needs to be taken into consideration while filling up the post of Assistant Headmaster.
5. Having considered the respective submissions made on behalf of the parties and taking note of the judgment of the coordinate Bench in *Sudip Adak* (supra) Court finds issue is no more *res integra*.

6. It further appears that while taking decision respondent no.5 did not follow the ratio of *Sudip Adak* (supra) and took decision which is adverse to the interest of the petitioner.
7. Hence, memo dated 7th March, 2025 stands set aside.
8. Respondent no.5 is required to give credence to the training qualification of the petitioner obtained from Netaji Subhash Open University while considering the panel prepared by the school authority for filling up the post of Assistant Headmaster.
9. Respondent no.5 is directed to decide the fate of the panel within a period of four weeks from the date of communication of this order in accordance with law without raising objection relating to B.Ed. degree of the petitioner.
10. The writ petition stands disposed of.
11. However, there shall be no order as to costs.
12. 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.)