

S/L 34
13.01.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 18744 of 2024

Mala Bor

Vs.

The State of West Bengal & Ors.

Mr. Kumar Jyoti Tewari, Sr. Adv.
Mr. Aniruddha Tewari

...for the Petitioner.

Mr. Supratim Dhar, Sr. Adv.
Ms. Nafisa Begum

...for the State.

Mr. Sandip Kumar De
Mr. Abhijit Sarkar

...for the Respondent No.4.

The petitioner, on February 10, 2017, was appointed as a Teacher at Loreto St. Mary's Girls Primary School, a Christian minority school; subsequently, being selected in the recruitment process, she had joined St. Anne's Free Primary School; her such appointment was approved by the District Inspector of Schools (PE), 24 Parganas (South), the respondent no.3 herein.

The said approval however has been withdrawn by the impugned order dated April 18, 2024 on the ground that the training qualification of the petitioner, i.e. 18 months D.El.Ed. Course conducted by the NIOS is not a valid training qualification for appointment as a teacher in a Primary School, as held by the Supreme Court in the case of ***Jaiveer Singh & Ors. vs. State of Uttarakhand & Ors.*** reported in **2023 SCC Online SC 1584**.

The Hon'ble Supreme Court, on a review application, vide order dated December 10, 2024 has clarified the said judgment of ***Jaiveer Singh (supra)*** in the following manner:-

"3. However, to avoid any confusion, we again clarify that the 18 months diploma obtained by such persons, who were in employment as on 10.08.2017 and who have completed the diploma course of 18 months, would be treated as valid diploma holders for the purpose of applying in other institutions or for promotional avenues.

4. Needless to state that the clarification will be effective from the date of pronouncement of the judgment under review."

The petitioner since is in service and had completed the said training Course in the 2017-2019 session, is eligible to get the benefit of the said clarificatory order of the Hon'ble Supreme Court. The order impugned therefore is not sustainable and is accordingly set aside.

All the benefits accrued to the petitioner upon setting aside of the order impugned be released.

WPA 18744 of 2024 is disposed of with the above terms and observations without any order as to costs.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

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

(Biswajit Basu, J.)