

MAT 1696 of 2025
with
IA No. CAN 2 of 2025
(Ajmanul Islam & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Ali Ahsan Alamgir
Ms. Soma Mal
Ms. Rabia Khatoon
Ms. June Modak

.... For the appellants

Mr. Supriyo Chattopadhyay, Ld. AGP
Ms. Sayantanee Bhattacharjee

..... For the State

Mr. Subir Sanyal, Sr. Adv.
Mr. Dwarika Nath Mukherjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

..... For the W.B.B.P.E.

The present appeal has been preferred challenging an order dated 17th June, 2025 passed by the learned single Judge in the writ petition being WPA 8959 of 2025. By the said order, the learned single Judge directed the parties to exchange their affidavits with liberty to mention the matter before the appropriate Bench for hearing after the time fixed for exchange of affidavits.

Mr. Alamgir, learned advocate appearing for the appellants/writ petitioners submits that the West Bengal Board of Primary Education (hereinafter referred to as the Board) initiated a selection process for appointment to the posts of primary teachers by a recruitment notification dated 29th September, 2022. Earlier the candidates, who completed the D.El.Ed. course for the session 2020-2022, preferred a writ petition for

consideration of their claim. The dispute travelled up to the Hon'ble Supreme Court. The appellants herein also preferred an intervention application in the said proceedings before the Hon'ble Supreme Court. Upon hearing the parties, the Hon'ble Supreme Court passed an order on 4th April, 2025. By the said order, all the applications for impleadment preferred by the appellants herein and others were dismissed as withdrawn and the applicants therein were permitted to avail such remedies as are available to them in law. It was further observed that if remedies are invoked, their prayers would be considered and disposed of by the respective courts or tribunals on their own merits. Thereafter, in the said proceedings, the Hon'ble Supreme Court passed an order on 29th January, 2024 directing the Board to publish the panel. Complying with such direction, the Board published the panel pertaining to 9523 posts including an additional panel of 5% candidates. The names of the appellants herein, however, did not feature in the said panel and that no panel, till date, had been published pertaining to the remaining vacancies in approximately 2225 posts. In course of hearing of the said proceedings, the Board also did not make any clear statement as to whether the appellants herein would be considered for the remaining vacancies in respect of which no panel had been published.

In the said conspectus, this Court by an order dated 28th October, 2025, upon condoning the delay in filing

the appeal, directed the learned advocate appearing for the Board to avail all necessary instruction. Pursuant to such direction, an affidavit has been filed by the Board and its functionaries being the respondent nos. 4, 5 and 6. In the said affidavit, it has been stated as follows:-

‘It is clear and specific stand of the Board that in respect of the filling up the remaining vacancies in connection with the selection process initiated in 2022, the Board have acted and will act strictly in accordance with the provisions of the Recruitment Rules and Guidelines, recruitment process of 2022 and the notifications issued by the NCTE without compromising the merit position of any of the relevant candidates.’

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellants herein have participated in the selection process initiated by the notification dated 29th September, 2022 and it is their grievance that the Board would not be considering their claim as they had obtained D.El.Ed. degree prior to the year 2020 and that they would not be considered on the basis of merit while preparation of the panel by the Board to fill up the remaining vacancies in approximately 2225 posts.

In the affidavit-in-opposition, as filed today, it has been categorically stated in paragraph 7, quoted hereinabove, that steps would be taken by the Board in accordance with the provisions of the Recruitment Rules without

compromising the merit position of any of the relevant candidates.

In view thereof, nothing remains to be decided in the present appeal and the writ petition and no further order is required to be passed in the same.

Accordingly, the writ petition as well as the appeal and the connected application are disposed of.

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

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)