

12.11.2025
Sl. Nos.33&37
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 23215 of 2025

**Koushik Bag & ors.
Versus
The State of West Bengal & Ors.**

**With
W.P.A. No. 24590 of 2025**

**Chittaranjan Kumar
Versus
The State of West Bengal & Ors.**

Mr. Chitta Priya Ghosh
Mr. Somesh Kumar Ghosh
...for the Petitioners.

Mr. Biswajit De
Ms. Pratiti Das
...for the State in W.P.A. No. 23215 of 2025.

Mr. Jahar Lal De
Mr. Kaustav Bhattacharya
...for the State in W.P.A. No. 24590 of 2025.

Mr. Ratul Biswas
Mr. Kaushik Chowdhury ... for the WBBPE &
DPSC, Howrah

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. By the present writ petition the petitioners seek for permission to undergo 2-year D.El.Ed. course for the sessions 2025-2027 from any Government recognized private self-financed institutions in

addition to Government sponsored and the Government aided PTI and DIET and entitling the petitioners to take admission in 2-year D.El.Ed. course for the sessions 2025-2027 in the same manner as has been extended to the other untrained teachers recruited under the same recruitment process of 2009 in other districts.

3. The petitioners are primary teachers in different schools in the district of Howrah. The petitioners appeared in the examination conducted for recruitment of primary teachers in different primary schools pursuant to notification dated 30th September, 2009. As per the eligibility criteria in the said advertisement the age limit was within 18 to 40 years of age group and the required qualification was of Madhyamik or equivalent for participating in the selection process. All the petitioners qualified in the said written examination. However, after prolonged litigations the petitioners were ultimately appointed from 2023 onwards. After promulgation of Right of Children to Free and Compulsory Education Act, 2009, the National Council for Teacher Education (*in short*, 'NCTE') issued guidelines that the teachers in the primary schools should possess 50% marks in Higher Secondary and they are also required to complete 2-year D.El.Ed. course. At the time when the petitioners

applied for joining as primary teachers, there was no requirement for such qualification. However, with the issuance of guidelines of NCTE, it has become imperative to possess such qualification. The petitioners presently do not have the said qualification. Accordingly, the petitioners seek to complete the qualification as required under the NCTE recruitment, 2010 and 2011. Hence, this writ petition seeking requisite permission.

4. Mr. Chitta Priya Ghosh, learned Advocate appearing on behalf of the petitioners submit that pursuant to the direction issued by this Court in *WPA 13989 of 2025 (Partha Das & ors. –versus- The State of West Bengal & ors.)* with *WPA 13966 of 2025 (Rajkumar Dogra & ors. –versus- The State of West Bengal & ors.)*, the West Bengal Board of Primary Education have issued notification in respect of untrained teachers in the district of Malda and North 24-Parganas allowing them to submit application for admission to 2-year D.El.Ed. course for the session 2025-27. The petitioners are similarly circumstanced. He submits that similar direction be issued to the Commissioner of School Education, Government of West Bengal, in consultation with the West Bengal Board of Primary Education to forthwith publish the consolidated list of eligible untrained teachers along with recognised

institutions, including Government sponsored, Government aided and Government recognised self-financed institutions for offering such course.

5. Mr. Ratul Biswas, learned Advocate for the West Bengal Board of Primary Education and D.P.S.C., Howrah, respondent nos.3 and 4 and Mr. Biswajit De, learned Advocate for the State submit that similar direction as issued in the other writ petitions may be issued in the present case as well.
6. Admittedly, the petitioners before this Hon'ble Court are serving as Assistant Teachers in various primary schools in the district of Howrah. Pursuant to the recruitment process initiated in 2009 the petitioners were selected and appointed under various orders of this Court. In the present writ petition, some of the petitioners possess Madhyamik (Class X) qualification without Higher Secondary, some possess Higher Secondary Education with less than 50% marks, some possess Higher Secondary with 50% and above marks but without the requisite two-year Diploma in Elementary Education (D.El.Ed.) mandated by the Right of Children to Free and Compulsory Education Act, 2009 and the recruitment framed by the NCTE. The petitioners seek permission to acquire their academic and/or training

qualifications while continuing in regular service and to draw their due salary during such period.

7. A Co-ordinate Bench of this Hon'ble Court in *WPA 17597 of 2024 (Santanu Paul and others –versus- The State of West Bengal & others)* has already held that absence of 50% marks in higher education shall not stand in the way of the writ petitioners undergoing the two-year D.El.Ed. course and that they may do so in Government recognised self-financed private institutions in addition to Government sponsored and Government aided PTTIs and DIETs as a special case in view of the special circumstances of their recruitment under orders of this Court and the Hon'ble Supreme Court.
8. In *WPA 19173 of 2024 (Kesto Singh & ors. –versus- The State of West Bengal & ors.)* similar reliefs were extended to others in-service untrained teachers, including those with Madhyamik qualification, waiving the district-wise bar for admission to training.
9. The present petitioners were appointed from 2023 onwards under the same recruitment process of 2009. The petitioners could not avail admission to 2024-2026 D.El.Ed. session despite being similarly situated in all material respects to those covered by the aforesaid orders.

10. There cannot be any dispute that the recruitment process was initiated in the year 2009 and thereafter recruitment of the petitioners were made in the year 2023 onwards. There is delay of 14 years due to inaction on the part of the authorities in recruiting the petitioners. The petitioners, factually and legally, stand on the identical footing in respect of those already granted relief. The mandatory training qualification as required under the guidelines of NCTE arises from circumstances beyond their control. Thus, the petitioners, who are similarly circumstanced, are to be extended the same benefits already granted to the persons recruited under recruitment process of 2009 with necessary modification to ensure compliance with statutory requirements while avoiding the disruption to educational service.

11. Accordingly, this Court directs as follows:

(A) For teachers with only Madhyamik qualification:

(i) They shall be permitted to pursue and complete Higher Secondary (10+2 or equivalent) qualification through recognised Open Schooling or other approved modes while continuing in service;

(ii) Upon enrolment and as per eligibility under NCTE regulations (with necessary relaxation hereby granted as a special case), the petitioners shall

be admitted to and complete the 2-year Diploma in Elementary Education (D.El.Ed) course through any Government sponsored, Government aided or Government recognised self-financed institutions, in regular or Open-Distance Learning (ODL) mode, without any service interruption.

(B) For teachers with Higher Secondary qualification (with or without 50% marks);

(i) They shall be permitted to enrol in and complete the 2-year D.El.Ed. course in the current session from any of the recognised institutions as above;

(ii) The minimum marks criteria in Higher Secondary, as prescribed under the NCTE Regulations, are hereby relaxed for these in-service teachers recruited through the 2009 process under Court orders, as a special case.

(C) Salary and service benefits during training:

(i) All categories of such in-service teachers shall continue to receive their regular salary, allowances, increments and other service benefits during the entire period of pursuing Higher Secondary and/or the D.El.Ed. course;

12. The Commissioner of School Education, West Bengal, in consultation with the West Bengal Board of Primary Education (WBBPE), and all concerned District Primary School Councils, shall forthwith

publish on their respective websites a consolidated list of eligible untrained teachers along with recognised institutions, including Government sponsored, Government aided and Government recognised self-financed institutions, offering the D.El.Ed. course. Admission shall be allowed with preference to availability within the teachers' home districts and, if not possible, in nearby districts so as to ensure minimal hardship. The entire admission process, including the relaxation of academic eligibility conditions, must be completed as expeditiously as possible from the date of communication of this order.

13. The relaxation and directions contained herein are issued only for those in-service primary teachers appointed pursuant to the recruitment process initiated in the year 2009, whether appointed earlier or pursuant to later court directions and shall not be treated as a precedent for future recruitment cycles.
14. With the above directions, the writ petition being **WPA 23215 of 2025** stands disposed of
15. Learned advocate for the petitioners is are directed to communicate this order to the respondent authorities concerned for necessary compliance.

16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
21. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)