

S/L 1
15.01.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 24519 of 2023

Suparna Singha
Vs.
The State of West Bengal & Ors.

Ms. Satabdi Das

...for the Petitioner.

Mr. Biman Halder

...for the State.

Mr. Ratul Biswas

Mr. Kaushik Chowdhury

...for the WBBPE.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The West Bengal Board of Primary Education, in the year 2020, had initiated a selection process for recruitment of Assistant Teachers in primary schools of the State.

The petitioner had participated in the said selection process as an 'OBC-B' candidate with B.Ed as her training qualification; she had appeared in the interview, but her candidature was rejected on the ground that her caste certificate is not of 'OBC-B'.

The said caste certificate was subsequently rectified. The petitioner thereafter, challenging rejection of her candidature had filed a writ petition being *W.P.A. No. 1936 of 2021* which was dismissed by the order dated February 15, 2022 with a direction upon the Secretary of the Board to consider the rectified caste certificate of the petitioner, if the said selection process is not over.

The caste certificate of the petitioner since was rectified subsequent to the date of interview, the Board, by its memo bearing no. *267/BPE/2022* dated February 24, 2022, had once again rejected the prayer of the petitioner holding *inter alia*, that she could not produce the 'OBC-B' caste certificate at the time of interview.

The petitioner, aggrieved by the aforesaid rejection, had filed another writ petition being *W.P.A. No. 28382 of 2022*.

A co-ordinate Bench of this Court, by the order dated June 26, 2023 had disposed of the said writ petition by

directing the Secretary of the Board to consider the 'OBC-B' certificate of the petitioner if the selection process was not over.

The Board, by the impugned communication dated August 24, 2023, had informed the petitioner that in view of the judgment of the Hon'ble Supreme Court dated August 11, 2023 in the case of **DEVESH SHARMA vs. UNION OF INDIA & ORS.** reported in **2024 SCC Online SC 3096**, she is not eligible for appointment.

The Hon'ble Supreme Court in the case of **Devesh Sharma (supra)** has held that B.Ed is not a valid training qualification for appointment in the post of assistant teachers in primary schools. In view of such pronouncement, the validity of the caste certificate of the petitioner loses its relevance in the matter of her prayer for appointment inasmuch as the petitioner had participated in the said selection process with B.Ed as her training qualification.

Summing up the discussion made above, this Court is of the opinion that the impugned communication dated August 24, 2023 does not call for any interference; consequently WPA 24519 of 2023 is dismissed 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.)