

16.12.2025
Sl. No.5
Ct. No.14
gd

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

WPA/25215/2025
NITA GHOSH @ MONDAL
VS
STATE OF WEST BENGAL AND ORS.

Mr. Sabyasachi Chatterjee
Mr. Akashdeep Mukherjee
Mr. Sayan Banerjee
Mr. Badrul Karim
Mr. Sarajit Roy
Mr. Aritro Ghosh

...for the Petitioner.

Mr. Jahar Lal De,
Mr. Jaladhi Das

...for the State.

Mr. Dwarikanath Mukherjee
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for direction upon the respondent authorities to allow the petitioner to participate in the ongoing recruitment process vide Notification dated 25th September, 2025 by condoning the age limit for SC Candidate.
3. The petitioner contends that she qualified in TET-2022. Due to unreasonable delay in publication of the Recruitment Notification the petitioner in the meantime has crossed the prescribed age limit. She

seeks for appropriate direction so that the age bar as required under the Notification may be relaxed. Hence this writ petition.

4. Mr. Sabyasachi Chatterjee, learned Advocate appearing for the petitioner submits that the Board is duty bound to initiate recruitment process at regular intervals. Due to unreasonable delay in publication of the notification for recruitment, the petitioner has crossed the prescribed age limit in the meantime. He seeks for necessary direction upon the respondent authorities for relaxation of the age bar, thereby enabling the petitioner to participate in the ongoing recruitment process.
5. In support of his contention he relies on the decision of the Coordinate Bench passed in **WPA 26426 of 2022** (***In Re: Md. Lutfar Sardar & Anr. versus The State of West Bengal & Ors.***) along with other writ petitions.
6. Mr. Ratul Biswas, learned Advocate for the West Bengal Board of Primary Education (*in short*, 'WBBPE') submits that in the similar circumstances the prayer of the petitioners therein was turned down in WPA 26809 of 2025 (*Suvasis Dhara & Ors. versus The State of West Bengal & Ors.*). The said order has been affirmed in appeal in MAT 2101 of 2025 (*Golam Morshed Mondal & Ors. versus The State of West Bengal & Ors.*). The Recruitment Notification prescribes the age limit which cannot be changed only to accommodate some of the

candidates. There is no such challenge to the Rules i.e. West Bengal Primary School Teachers Recruitment Rules, 2016 (*hereinafter referred to as the 'Recruitment Rules of 2016'*). He seeks for dismissal of the writ petition.

7. Admittedly the petitioner is aged 46 years. Rule 6 of Recruitment Rules of 2016 provides as hereunder:

"6. Qualifications. – (1) No person shall be appointed by the Council as a teacher unless he is a citizen of India and has completed the age of 18 years as on 1st day of January of the year of advertisement and has not completed the age of 40 years on the 1st day of January of the year of advertisement as specified in sub-rule (3).

(2) The candidate shall possess the minimum educational and training qualification as prescribed by the National Council for Teacher Education prevailing as on date of publication of recruitment notification."

8. In consonance with the said Rules the Recruitment Notification being No.2141/WBBPE/2025/59R-09/2024 dated 25th September, 2025 also provides the age requirement in clause (4) which is reproduced hereunder:

"Age requirement : Minimum Eighteen (18) years and maximum Forty (40) years as on the 1st day of January, 2025. Upper age limit is relaxable for the candidates belonging to SC, ST, OBC (A & B), PwD (Person with Disabilities), Exempted (EC), Ex-Servicemen (ExS) and Para Teacher (PT) categories."

9. There is no challenge to the aforesaid Rules.
10. Therefore, the Board is to conduct the recruitment process following the Recruitment Rules of 2016 which clearly provides the age limit for the candidates to be considered for ongoing recruitment process.
11. The Coordinate Bench of this court in WPA 26809 of 2025 in a similar circumstances has held as under:

“The Board before the co-ordinate Bench had taken a stand that to relax the upper age limit, the Rule prescribing such limit cannot be compromised, particularly in the absence of any challenge to it. Nonetheless overruling such objection the direction for relaxation of the upper age limit was passed.

With all humility, I am unable to follow the said judgement, as the direction for age relaxation is not in conformity with the relevant provisions of the Rules of 2016.”

12. The aforesaid order has been affirmed in MAT 2101 of 2025 observing as follows:

“13. In the said conspectus and as there was no challenge against Rule 6 of the recruitment rules, the learned single Judge rightly refused to exercise discretion in favour of the appellants and we do not find any infirmity in the said order warranting interference in the present appeal.”

13. Considering the above, this court finds that there is no such merit in the writ petition.
14. Accordingly, the writ petition being **WPA 25215 of 2025** stands dismissed.
15. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
16. Interim order, if any, stands vacated.
17. All connected applications, if any, stand disposed of.
18. There shall be no order as to costs.
19. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
20. 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.)