

13-14
25.11.2025
Court No.17
SK

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 26809 of 2025

Suvasis Dhara & Ors.
Vs.
The State of West Bengal & Ors.

With

WPA 26810 of 2025

Golam Morshed Mondal & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Bikash Ranjan Bhattacharyya, Sr. Adv.,
Mr. Bikram Banerjee,
Mr. Arka Nandi *... for the Petitioners in both the matters.*

Mr. Biplab Guha,
Mr. Sudip Kumar Maiti *...for the State in WPA 26809 of 2025.*

Mr. Swapan Kumar Datta, Ld. G.P.,
Mr. Rajat Dutta,
Mr. Tapas Kr. Das *...for the State in WPA 26810 of 2025.*

Mr. Subir Sanyal,
Mr. Dwarikanath Mukherjee, Sr. Adv.,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury *...for the WBBPE in both the matters.*

Affidavits-of-service filed on behalf of the petitioners
be kept with the record.

To address the common issue, these two writ petitions
are taken up for analogous consideration.

The West Bengal Board of Primary Education vide
Notification bearing Memo No. 2141/WBBPE/2025/59R-
09/2024, dated September 25, 2025 has invited applications
from eligible candidates for recruitment of Assistant Teachers
in Government Aided/Government Sponsored Primary/Junior
Basic Schools in the State.

The petitioners all being qualified in TET 2022, are
intending to participate in the said recruitment drive, but due to
over age they are unable to.

Mr. Bikash Ranjan Bhattacharyya, learned senior
Advocate for the petitioners submits that the petitioners had
appeared in TET 2022, result of which was published in the

year 2023, by the time the recruitment drive for the year 2022 was over, as such they could not participate in the said selection process.

The present selection process of 2025 is the next selection process available to the petitioner but they have crossed the upper age limit by the time the said selection process is notified. The petitioners being TET qualified are entitled to offer themselves for the selection test at least once.

Mr. Bhattacharyya further submits that in a similar situation a co-ordinate Bench of this Court in W.P.A. 24564 of 2022 had passed a direction on December 22, 2022 to relax the upper age of the candidates qualified in TET 2017 enabling them to participate in 2022 selection process, the Board complying with the said direction had published a notification, thereby had relaxed the upper age limit for the candidates of TET 2017. The Board cannot take a contradictory stand to deprive the petitioners now.

Mr. Subir Sanyal, learned senior Advocate for the West Bengal Board of Primary Education submits that the Board is conducting the recruitment in terms of the West Bengal Primary School Teachers Recruitment Rules, 2016 (hereinafter referred to as 'the said Rules of 2016' in short) and in terms of Rule 6(1) thereof the age limit to participate in the 2025 selection process has been notified, there is no challenge to the said Rules of 2016. The Board cannot be faulted for following the said Rules. He further submits that the judgement of the co-ordinate Bench does not lay down any proposition of law on the issue, therefore this Bench is not bound to follow the same. It is not correct to say that the Board is taking contradictory stand in the present matter inasmuch as before the co-ordinate Bench, the stand of the Board was that the age requirement was notified in terms of the said Rules 2016, the same cannot be changed.

Heard the learned advocate for the parties. Perused the materials on record.

The recruitment notice dated September 25, 2025 makes it clear that the recruitment would be conducted in accordance with the provisions of the said Rules of 2016. Rule 6 (1) of the said Rules of 2016 prescribes the qualification of the candidates to be appointed as teachers in the primary schools. The said Rules prescribes that 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 the first day of January of the year of advertisement and has not completed the age of 40 years on the first day of January of the year of advertisement. The Board following the Rule 6(1) of the said Rules of 2016 at **Paragraph 4** of the Recruitment Notification has stipulated the age requirement which is quoted below :

“4. 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.”*

The Board following the said Rule has fixed the upper age limit in the recruitment notification.

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.

There is no allegation the Board is conducting the selection process in violation of any of the Rules of 2016, therefore the prayer of the petitioners for suitable modification in the age requirement clause of the recruitment notification to enhance the upper age limit of TET-2022 qualified candidates cannot be entertained.

W.P.A. 26809 of 2025 and W.P.A. 26810 of 2025 for the above reasons are 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.)