

S/L 9
18.03.2025
Court No.19
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 27883 of 2024

Chandra Mohan Singha & Ors.
Vs.
The State of West Bengal & Ors.

Mr. S. Ghosh Mr. Biswarup Nandy	...for the Petitioners.
Mr. Bhaskar Prasad Vaisya, Ld. AGP Mr. Ranjan Saha	...for the State.
Mr. Biswabrata Basu Mallick Mr. Biman Halder Mr. Aman Arif Ansar	...for the DPSC, Uttar Dinajpur.
Mr. Subir Sanyal, Sr. Adv. Mr. Ratul Biswas Mr. Kaushik Chowdhury	...for the WBBPE.

Acknowledgment for payment of deficit court fees filed on behalf of the petitioners be kept with the record.

The petitioners are Assistant Teachers of different primary schools in the district of Uttar Dinajpur.

The Uttar Dinajpur District Primary School Council (“Council” in short) has initiated a selection process for appointment of the Head Teacher in the schools under its jurisdiction.

The petitioners have participated in the said selection process; they are alleging that the Council is not following the Standard Operating Procedure (“SOP” in short) framed by the *West Bengal Board of Primary Education* (“the Board” in short) in filling up the vacancies of the Head Teachers in Primary Schools.

It appears from the record that the Board, on July 31, 2023 had held a meeting with the Chairman/Chairperson of the District Primary School Council of all the districts of the State and had framed an SOP to be followed in appointing Head Teachers in the Government aided/ Government sponsored/ Junior Basic Primary Schools across the State.

Rule 15 of the *West Bengal Primary School Teachers Recruitment Rules, 2016* (“Rules of 2016” in short) mandates that the Council, between January and April of every year, on the basis of vacancies occurred or due to occur within 31st December of the said year, shall prepare a circle-wise *panel* of

Head Teachers and Rule 14 thereof mandates that the Council shall appoint Head Teachers in every primary school within the jurisdiction of the Council, from a panel of senior-most primary teachers possessing requisite minimum educational qualifications and professional qualifications as specified in Notification dated August 25, 2010 issued by the *National Council for Teacher Education* provided that primary school teachers appointed before September 3, 2001 may be appointed as Head Teacher with Madhyamik pass qualification or equivalent and 1 year Junior Basic Training Certificate or Primary Teacher's Training Certificate or equivalent.

The Board, through the said SOP, has proposed to lay down a procedure of finer search to find out a suitable candidate for the post of Head Teacher in Primary Schools of the State, but the same, being *de hors*, the aforementioned Rules of 2016 is not sustainable; accordingly, the Council is not obliged to follow the said SOP in appointing the Head Teachers in the schools under its jurisdiction; it is free to fill up the vacancies in the post of Head Teachers following the said Rule(s) 14 and 15 of the Rules of 2016.

However, framing of such SOP by the Board is well appreciated, but for the same, the rules are required to be suitably amended; the *Principal Secretary*, School Education Department, Government of West Bengal needs to consider the issue.

WPA 27883 of 2024 is disposed of with the above terms and observations without any order as to costs.

The Board and the Council shall communicate this order to the *Principal Secretary*, School Education Department, Government of West Bengal.

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.)