

02.12.2025
Sl. No. 557, 558
559 & 560 (D.L.)
Ct. No.14
AN

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

**W.P.A. No. 27540 of 2025
Akash Mondal & Ors.
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 26497 of 2025
Subhankar Maity & Ors.
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 26892 of 2025
Sampriti Pramanik & Ors.
Versus
The State of West Bengal & Ors.
With
W.P.A. No. 26966 of 2025
Hasan Mondal & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Anindya Lahiri, Id. Sr. Adv.
Ms. Pranati Das
Mr. Subhomoy Paul
Mr. Anish Chakraborty

...for the petitioners
(in WPA 27540 of 2025)

Mr. Sudipta Dasgupta,
Mr. Bikram Banerjee,
Mr. Saikat Sutradhar
Ms. Suryatapa Das,
Ms. Sinjini Chakraborti

...for the Petitioners
(in WPA 26892 of 2025
& WPA 26497 of 2025)

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Mainak Ghoshal
Mr. Ayush Majumder
Mr. Habibur Rahaman Jamadar
Mr. Rajosik Dutta

...for the Petitioners
(in WPA 26966 of 2025)

Mr. Subir Sanyal, Sr. Adv.
 Mr. Dwarikanath Mukherjee,
 Mr. Ratul Biswas,
 Mr. Kaushik Chowdhury

...for the WBBPE

Ms. Asha G. Gutgutia

...for the NCTE
 (in WPA 26497 of 2025)
 (in WPA 26966 of 2025)

Mr. Swapan Kr. Datta, Id. G.P.
 Mr. Rajat Dutta
 Ms. Susmita Debnath

...for the State
 (in WPA 27540 of 2025)

Mr. Nilotpall Chatterjee,
 Mr. Mihir Kundu

...for the State
 (in WPA 26497 of 2025)

Mr. Ashim Kr. Ganguly, Id. AGP
 Mr. Subrata Dasgupta

...for the State
 (in WPA 26892 of 2025)

Mr. Supriyo Chattopadhyay, Id. AGP
 Ms. Iti Dutta

...for the State
 (in WPA 26966 of 2025)

1. By the present writ petitions, the petitioners have sought for directions to allow them to participate in the Teacher Eligibility Test (in short TET) which is to be conducted vide Memo No. 2061/WBBPE/2025/60R-09/25 dated 15th September, 2025.
2. The contention of the petitioners in all the writ petitions is that they are all pursuing courses approved by the Rehabilitation Council of India (*in short, 'RCI'*) for special education as required for

appointment to the post of Special Education Teacher in Primary Schools.

3. Mr. Anindya Lahiri, learned senior advocate appearing for the petitioners in WPA 27540 of 2025 submits that as per the advertisement dated 5th September, 2025 as well as the West Bengal Primary School Special Education Teachers Recruitment Rules, 2025 (*hereinafter referred to as 'Recruitment Rules, 2025'*), passing/qualifying in TET is mandatory and it has to be conducted following the National Council for Teacher Education (*in short, 'NCTE'*) Norms. As per the guidelines of NCTE, a person who is pursuing any teacher education courses (recognized by the NCTE or the RCI, as the case may be) specified in the NCTE Notification dated 23rd August, 2010, may apply for participating in the TET. The petitioners are pursuing the requisite course. The petitioners are unable to fill up on-line application form since it requires a CRR number which is given to the candidate after successful completion of the course. For such reason, the petitioners could not participate in the on going process. The procedure adopted by the recruitment authority viz. West Bengal Board of Primary Education is *dehors* the settled principles of law. Relying on the decision of the Hon'ble Supreme Court passed in the case of ***Omkar Singh & Ors. vs. State of Uttar Pradesh*** reported in ***(2021) 14 SCC 486***, he submits that a candidate

pursuing the requisite course can also participate in the TET examination. In the light of his aforesaid submissions, he prays for specific direction upon the authority concerned for allowing the petitioners who are pursuing D.Ed Courses to submit their application for participating in the TET examination.

4. Mr. Sudipta Dasgupta, learned advocate appearing for the petitioners in WPA 26497 of 2025 and WPA 26892 of 2025 submits that a Coordinate Bench of this Court in similar situation has passed orders allowing the petitioners who were pursuing the teachers education courses to participate in the TET examination. He relies on the decision of ***Hasan Mondal & ors. vs. State of West Bengal*** in ***WPA 22719 of 2025*** and ***Masud Billa Sardar & Ors. versus State of West Bengal & Ors. in WPA 13436 of 2023.***
5. Mr. Firdous Samim, learned advocate for the petitioners in WPA 26966 of 2025 also submits that the law is no longer more *res integra* that a person/candidate who is pursuing a course in the special education shall be allowed to participate in the TET examination.
6. On the contrary, Mr. Subir Sanyal, learned senior advocate appearing for the West Bengal Board of Primary Education submits that the TET conducted in relation to normal subjects in the curriculum of primary school is distinct and different from the

recruitment process for appointment of Special Educator. To be precise, Special Educators are to be appointed in terms of the Recruitment Rules, 2025. The examination which is to be conducted for such recruitment, is a combined one which takes into its fold the TET examination and thereafter the selection process. Therefore, the TET examination pertaining to present recruitment of Special Educator is part of the recruitment process and not a distinct and separate from the process of recruitment. As per Rule 3(b)(ii) of the said Recruitment Rules, 2025, a candidate before or on the date of submission of his/her application must have obtained educational and training qualification as prescribed by the Central Government vide F. No. 3-5 / 2021 – 1(S).18 dated 10th June, 2022. There is no dispute to the fact that the petitioners have not completed their educational course as required under the rules. Therefore, as on date, the petitioners are not eligible to take part in the process of recruitment for Special Educators for primary schools. Furthermore, with regard to the petitioners in WPA 26966 of 2025, he submits that the petitioners therein are not pursuing the courses which are required for appointment as a Special Educator. The proposition of the Hon'ble Supreme Court in *Omkar Singh (supra)* is not applicable to the facts of this case since the same has been passed in respect of the TET examination for appointment of

Assistant Teachers of Science and other subjects and not of Special Educator. In the light of his aforesaid submissions, he prays for dismissal of the prayer of the petitioners.

7. In reply to the aforesaid submissions, made on behalf of the Board, Mr. Lahiri, learned senior advocate appearing for the petitioners in WPA 27540 of 2025 submits that the Rules itself goes to show that the TET examination is to be conducted at the initial stage and thereafter the selection process has to be processed. Therefore, it does not stand to reason to argue that the recruitment rules are a combined one. He indicates that the TET examination has to be conducted following the NCTE norms in the entirety and not in a piecemeal manner as has been argued upon on behalf of the Board.
8. Mr. Dasgupta, learned advocate appearing for the petitioners in WPA 26497 of 2025 and WPA 26892 of 2025 submits that in an appeal being MAT 1867 of 2025 (Abhik Chakraborty versus The State of West Bengal & Ors.) in a similar situation for recruitment of Special Education Teachers by the West Bengal School Service Commission, the appellant pursuing requisite course was granted liberty vide order dated 11th November, 2025 to submit the off-line application on the date fixed. The provisions of West Bengal School Service Commission Recruitment for Appointment to the Post of Special Education

Teachers, Rules, 2024 where the minimum qualification for such post was B.Ed in Special Education from a RCI approved Institute, more or less is similar to the provisions of present rules. Thus, in the present situation, the petitioners be allowed to participate in the on going process.

9. Having heard learned advocates for the respective parties, the only issue which falls for consideration before this Court is whether a person/candidate pursuing the D.Ed Course/special education course may be allowed to participate in the TET examination for recruitment to the post of Special Educators in primary school or not.
10. As per Rule 8(3) of Recruitment Rules, 2025, Selection Committee of Board shall conduct TET for Special Education Teacher as per NCTE Norms.
11. The guidelines for conducting the TET examination as per NCTE Norms is as follows:

“Eligibility

5. The following persons shall be eligible for appearing in the TET:

i. A person who has acquired the academic and professional qualifications specified in the NCTE Notification dated 23rd August, 2010.

ii. A person who is pursuing any of the teacher education courses (recognised by the NCTE or the RCI, as the case may be) specified in the NCTE Notification dated 23rd August, 2010.

iii. The eligibility condition for appearing in TET may be relaxed in respect of a State/UT which has been granted relaxation under sub-section (2) of section 23 of the RTE Act. The relaxation will be specified in the Notification issued by the Central Government under that sub-section.”

12. At this juncture, it would be axiomatic to reproduce specific observations of the Hon'ble Apex Court delineated in the case of *Omkar Singh* (supra) which stands as follows:

“7.1. The issue involved in the present appeals is the meaning and interpretation of the word "pursuing" as appearing in Clause 5(ii) of the NCTE Guidelines. The question for consideration is the eligibility criteria to appear in TET examination. It is apparent from the reading of the guidelines framed by NCTE, Para 5 that the incumbents who have acquired the qualification academic as well as professional can apply for TET examination. The second category of candidates who can apply for TET examination is those who are "pursuing" any teacher training course ("TTC"). The meaning of "pursuing" is a person who is undergoing any of the teacher training course ("TTC"). He/she must have been admitted and pursuing the teacher training course which is prescribed as a qualification. Declaration of the result, appearing in the examination or date of filling up of the forms, etc. cannot be the criteria to appear in TET examination. Therefore, a candidate who is undergoing i.e. "pursuing the requisite teacher training course ("TTC") shall be eligible to appear in TET examination.

7.2. The learned Single Judge of the High Court held and concluded that: (Prabhat Kumar Verma case, SCC OnLine All para 4)

4. ... 'only those persons, who are in the final year of their teacher training course ("TTC"), alone would be entitled to appear in TET examination."

The Division Bench of the High Court has gone further and has observed that only such candidates, whose teacher training course result has not been declared by the last date specified for filling up the online form for TET examination can be said to be "pursuing" the teacher training course as mentioned in clause 5(ii) of the NCTE Guidelines and could appear in TET examination. Therefore, according to the Division Bench of the High Court, as on the last date specified for filling up the online form for TET examination, the candidates must have appeared in the examination (of TTC) and the result has not been declared. These riders are not proper given the clear language used in clause 5(ii) of the NCTE Guidelines. The Division Bench of the High Court has read into and/or added something more than what is provided in clause 5(ii) of the NCTE Guidelines. The language used in clause 5(ii) of the NCTE Guidelines is simple, clear and unambiguous. As per the cardinal principle of the rule of interpretation, while construing a particular provision, the particular provision is required to be read as it is and nothing is to be added or taken away.

7.3. Looking to the clear wordings in clause 5(ii) of the NCTE Guidelines and the phrase used is "pursuing", the High Court is not justified in adding the additional riders, such as, that to become eligible for appearing in TET examination, a candidate must have appeared in the TTC examination and the result have not been declared by the last date specified for filling up the online form for TET examination. As per the dictionary meaning, the word "pursuing" means undergoing and/or proceeding further. Therefore, a candidate who has been admitted in any of the TTC and undergoing the teacher training course ("TTC") can be said to be "pursuing" such teacher training course and shall be eligible to appear in TET examination, irrespective of the fact that whether, by the last date specified for filling up the online form for TET examination, he has, in fact, appeared in the examination of the teacher d training course concerned and the result is awaited. "Pursuing" the requisite teacher training course is sufficient to make such a candidate eligible to appear in TET examination. Therefore, on a fair reading of clause 5(if) of the NCTE Guidelines, a person who has been admitted in TTC and is pursuing, he/she can appear in TET examination. In the present case, admittedly, on the cut-off date, all the candidates were pursuing the teacher training course concerned. Thereafter, all of them have cleared TET examination as well as have cleared the teacher training course concerned. At the time when they were appointed as Assistant Teachers, all of them fulfilled the eligibility criteria for appointment as Assistant Teachers. All of them have passed TET examination and have also passed the TTC as per the requisite eligibility criteria. Thus, in our view, ousting certain incumbents by the High Court cannot be sustained since they f were pursuing TTC and they were clearly eligible to appear in TET examination and have passed it while pursuing the requisite professional qualification for being eligible to be appointed as Assistant Teachers."

13. Therefore, a person pursuing any of the approved teachers' education courses is made eligible to appear for TET examination.
14. In compliance of the judgment passed by the Hon'ble Supreme Court in **Rajneesh Kumar Pandey & ors. vs. Union of India & ors.** passed in **W.P. (Civil) No. 132 of 2016 with W.P. (Civil) No. 876 of 2017** on 28th October, 2021, the Under Secretary, Government of India submitted a compliance report which indicated the levels and qualifications for recruitment.

At foundation I stage (Pre School Class 1 & 2) - Primary Level the requisite qualification is D.Ed. in Special Education from a RCI approved institute and possess a valid RCI CRR number. At the preparatory stage (Class 3 to 5) the requisite qualification is D.El.Ed. with a recognised qualification (certificate/diploma) from a RCI approved institution equivalent to D.Ed. in Special Education and possess a valid CRR number. Six months training of teaching in cross disability area in inclusive education. The necessary qualification has been highlighted.

15. In the penultimate paragraph of the order of the Hon'ble Supreme Court dated 21st July, 2022, it has been indicated that the highlighted portion of the communication to be treated as directions given by the Hon'ble Apex Court to the States and Union Territories in terms of the order. Further the notification for recruitment dated 15th September, 2025 also indicates of such requisites.
16. Therefore, upon bare reading of the order as well as the recruitment rules, it is imperative that at the primary level, the persons are required to have D.Ed in special education from the RCI approved Institute and D.El.Ed. with a recognised qualification (certificate/diploma) from a RCI approved institution equivalent to D.Ed. in Special Education. Hence, there cannot be any quarrel that a person pursuing

the aforesaid courses can take part in the TET examination.

17. Therefore, this Court is of the view that the petitioners having pursuing D.Ed in Special Education courses under the RCI approved Institutes be allowed to participate in the TET examination to be conducted pursuant to Notification dated 15th September, 2025.
18. Accordingly, the West Bengal Board of Primary Education is directed to allow the petitioners in WPA 27540 of 2025; WPA 26497 of 2025 and WPA 26892 of 2025 to submit the application through online/offline mode.
19. So far as the petitioners in WPA 26966 of 2025 are concerned, the prayer of petitioner nos. 1 to 6 and 8 and 9 are turned down since admittedly they are not pursuing any course of D.Ed in special education. Accordingly, the West Bengal Board of Primary Education is directed to allow the prayers of the petitioner nos. 7, 10 to 13 in the aforesaid writ petition to the extent of submission of the applications.
20. It is made clear that this order will be restricted to the petitioners of the aforesaid writ petitions only, whose prayer for submission of application are allowed.
21. With the above observations and directions, the writ petitions being **WPA 27540 of 2025; WPA 26497 of**

2025; WPA 26892 of 2025 and WPA 26966 of 2025 are disposed of.

22. There will be no order as to costs.
23. Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Bivas Pattanayak, J.)