

12.12.2025
Sl. No.2
Ct. No.14
ss

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

WPA 28137 of 2025

**HIRALAL JANA AND ORS.
VS
STATE OF WEST BENGAL AND ORS.**

Mr. Sauvik Nandy, Sr. Adv.
Mr. Subrata Santra
Mr. Partha Sarathi Boyal

...for the Petitioners.

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

...for WBBPE.

Ms. Asha G. Gutghutia

...for NCTE.

1. Affidavit of service filed on behalf of the petitioners is taken on record.
2. At the very outset Mr. Sauvik Nandy, learned Senior Advocate appearing on behalf of the petitioners submit that the petitioner no.14, Arnab Nandi, does not intend to proceed with the present writ petition.
3. Accordingly, the name of the petitioner no.14, Arnab Nandi, is expunged from the array of the writ petitioner.
4. By the present writ petition the petitioners seek for declaration that 6 months Professional Development Program for Elementary Teachers (PDPET), Bridge Course is equivalent to two-year D.El.Ed. training

course; declaration that a candidate who possesses B.Ed. qualification and TET and has passed 6 months Bridge course PDPET certificate issued by National Institute of Open School (*in short, 'NIOS'*), as per the guideline of National Council for Teachers Education (*in short, 'NCTE'*) is eligible to be considered as primary teacher (Class I to V) along with D.El.Ed candidate and direction upon respondent authorities to permit the petitioners to fill in the requisition application form as applicable for the recruitment of primary teachers as per notification dated 25th September, 2025.

5. The petitioners contend that all the writ petitioners are in-service trained candidates having B.Ed. degree and 6 months Bridge Course Certificate in PDPET obtained from NIOS and have passed TET. They are all working as primary teachers in private schools. The PDPET has been recognized by the NCTE which is the academic body appointed by the Central Government as per the provisions of sub-Section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009. The petitioners claim that they have requisite qualification to be appointed as primary teachers in the State Level Primary Schools in West Bengal and therefore, they be permitted to participate in the ongoing recruitment process initiated vide notification being Memo No.2141/WBBPE/2025/59R-09/2024 dated 25th September, 2025 read with notification being Memo

No.2367/WBBPE/2025/59R-09/2024 dated 19th November, 2025.

6. Mr. Sauvik Nandi, learned Senior Advocate appearing on behalf of the petitioners submit that the petitioners are qualified in TET 2014, 2017 and 2022 with B.Ed. degree and they have also completed 6 months Bridge Course from the NIOS. The qualification of PDPET has been recognised by the NCTE vide recognition order dated 22nd September, 2017. Therefore, the petitioners are eligible to participate in the ongoing recruitment process. He also submits that the Hon'ble Supreme Court in *Transfer Petition (Civil) Diary No.11895 of 2025 (Subhas Chand & ors. -versus- State of Punjab & ors.)* has allowed the similar circumstanced candidates before it to participate in the selection process. Relying on a reply to the application made under Right to Information Act dated 9th February, 2021 he submits that the NCTE has replied in affirmation that one can appear in TET examination with PDPET along with B.Ed. qualification and he is eligible to be considered for the post of primary school teacher (Class I to V).
7. On the contrary, Mr. Subir Sanyal, learned Senior Advocate appearing on behalf of the Board submits at the outset, that the order passed by the Hon'ble Supreme Court is an interim order in exercise of its power under Article 142 of the Constitution of India. Such order does not create any right in favour of the present petitioners. The petitioners have not disclosed

specifically of their qualifications and at the same time, have not annexed such documents in support of such qualifications. As per the notification of the NCTE dated 23rd August, 2010 and 29th July, 2011 the two-year Diploma in Elementary Education (*in short, 'D.El.Ed.'*) is mandatory. The petitioners have not challenged the recruitment notification which also makes the D.El.Ed qualification as a requisite qualification. Furthermore, if the writ petition is bereft of specific pleadings as well as supportive documents, the Court should not entertain the same. In support of his contention, he relies on the decisions of Hon'ble Supreme Court passed in ***Uttar Pradesh State Electricity Board and another -versus- Aziz Ahmad***, reported in ***(2009) 2 SCC 606*** and in ***Bharat Singh and others -versus- State of Haryana and others***, reported in ***(1988) 4 SCC 534***. Furthermore, he submits that in paragraph 2 of the affidavit which has been affirmed by the petitioner no.1, it is stated that paragraphs 1 to 4 are true to his knowledge and rest paragraphs 5 to 9 are derived from the records. However, there is no disclosure as to how the petitioner no.1 has the true knowledge of the facts pertaining to other writ petitioners. No such record/source of information of the deponent has been annexed to the writ petition. Therefore, the statements made by the deponent in the affidavit are not acceptable at all. In support of his contention he relies on the decision of this Court passed in ***Karna Let -versus-***

State of West Bengal & ors., reported in **2005 SCC OnLine Cal 113 : 2005(1) WBLR 848**. In light of his aforesaid submission he seeks for dismissal of the writ petition.

8. Having heard the learned Advocates for the respective parties, the only issue which has fallen for consideration is whether the petitioners are eligible to participate in the ongoing recruitment process or not.
9. The petitioners contends that they are graduates with B.Ed. degree and six months Bridge Course in PDPET and TET qualified. In order to examine the aforesaid issue it would be apposite to reproduce the notifications of NCTE dated 23rd August, 2010 and dated 29th July, 2011 as follows:

**“NATIONAL COUNCIL FOR TEACHER EDUCATION
NOTIFICATION**

New Delhi, the 23rd August, 2010

F. No. 61-03/20/2010/NCTE/(N&S)-In exercise of the powers conferred by Sub-section (1) of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009), and in pursuance of Notification No. S.O. 750 (E) dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby lays down the following minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII in a school referred to in clause (n) of Section 2 of the Right of Children to Free and Compulsory Education Act, 2009, with effect from the date of this Notification:---

1 Minimum Qualifications..

(i) Classes I-V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2-year. Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations 2002

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B. El. Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2 year Diploma in Education (Special Education)

AND

Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose."

**"NATIONAL COUNCIL FOR TEACHER EDUCATION
NOTIFICATION**

New Delhi, the 29th July, 2011

F. No. 61-1/2011/NCTE (N&S). In exercise of the powers conferred by sub-section (1) of the Section 23 of Right of Children to Free and Compulsory Education Act, 2009 (35 of 2009) and in pursuance of the Notification No. S.O. 750(E), dated 31st March, 2010 issued by the Department of School Education and Literacy, Ministry of Human Resource Development, Government of India, the National Council for Teacher Education (NCTE) hereby makes the following amendments to the Notification No. 215 dated 25th August, 2010 published in the Gazette of India, Extraordinary, Part-III, Section-4, vide F.No. 61-1/2011-NCTE(N&S), dated the 23rd August, 2010, laying down the minimum qualifications for a person to be eligible for appointment as a teacher (hereby referred to as the Principal Notification), namely:

(1) For sub-para (i) of para 1 of the Principal Notification, the following shall be substituted, namely:-

1. Minimum Qualifications:-

(1) Classes I-V

(a) Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Elementary Education (by whatever name known)

OR

Senior Secondary (or its equivalent) with at least 45% marks and 2-year Diploma in Elementary Education (by whatever name known), in accordance with the NCTE (Recognition Norms and Procedure), Regulations, 2002.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B.EL.Ed.)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Education (Special Education)

OR

Graduation and two year Diploma in Elementary Education (by whatever name known)

AND

(b) Pass in the Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose."

10. From the aforesaid notification, it manifest that D.El.Ed. is a mandatory qualification for recruitment as teachers in primary schools. Mr. Nandy, learned Senior Advocate appearing on behalf of the petitioners tried to impress upon this Court that the Chairman, NCTE has replied to the application under RTI Act that the petitioners are eligible to be considered for primary teachers. By question no.1 of the application, it was enquired “*whether the NIOS Bridge Course (PDPET) along with B.Ed. degree is equivalent to two-year D.El.Ed. degree*” and the answer to the said query is that the copy of the order dated 22nd September, 2017 issued by NRC to NIOS (PDPET) is self-explanatory.

11. The penultimate paragraph of the recognition order 22nd September, 2017 placed before this Court is reproduced hereunder :

“NOW THEREFORE, in exercise of the powers vested under Section 14(3)(a)/15(3)(a) of the NCTE Act, 1993, the Northern Regional Committee hereby grants recognition to National Institute of Open Schooling (NIOS) Noida, U.P. under clause 7(16) of NCTE (Recognition Norms & Procedure) Regulations, 2014 for six month PDPET (ODL) programme through SWAYAM Portal of MHRD for training of teachers having B.Ed. qualifications and teaching classes at Primary Level (I to V) in Govt. /Govt. Aided / Private unaided recognised schools subject to fulfillment of the conditions mentioned above.”

12. It is relevant to note that it does not in clear term say that six months PDPET program is equivalent to D.El.Ed. course. There is no notification issued by the NCTE amending the eligibility criteria by stating that six months PDPET course is equivalent to D.El.Ed. course. Therefore, it goes without saying that the record placed

before this Court does not show that the six months PDPET is equivalent to D.El.Ed.

13. Clause 3 of the recruitment notification dated 25th September, 2025 requires the following qualifications:

“3) Qualifications requirement:

(a) The candidate must be a citizen of India.

(b) The candidate must have passed :

Higher Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Elementary Education

OR

Higher Secondary (or its equivalent) with at least 45% marks and 2-year Diploma in Elementary Education

OR

Higher Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor of Elementary Education (B.El.Ed.)

OR

Higher Secondary (or its equivalent) with at least 50% marks and 2-year Diploma in Education (Special Education)

OR

Graduation and Two Year Diploma in Elementary Education

AND

Teacher Eligibility Test (TET) (conducted by the West Bengal Board of Primary Education adhering to the rules and principles set by NCTE)”

14. The clause 3 of the advertisement clearly stipulates requirement of passing D.El.Ed. course. It is not in dispute that the petitioners have not passed D.El.Ed. course. Thus, the petitioners are ineligible to participate in the ongoing recruitment process.

15. So far as the order passed by the Hon’ble Supreme Court in *Subhas Chand (supra)* is concerned, the same does not lay down any proposition of law. It is relevant to note that the petitioners therein have been allowed to participate subject to the result of the Special Leave Petition.

16. Moreover, the writ petition is also bereft of specific pleadings and supportive documents. This Court is in consonance with the submissions of Mr. Sanyal, learned

Senior Advocate appearing on behalf of the Board
relying on *Aziz Ahmad (supra)* and *Bharat Singh (supra)*.

17. Accordingly, the writ petition being no. **WPA 28137 of 2025** stands dismissed.
18. Interim order, if any, stands vacated.
19. All connected applications, if any, stand disposed of.
20. There shall be no order as to costs.
21. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
22. 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.)