

18.12.2025
Sl. No.258(DL)
Ct. No.14
srm

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

W.P.A. No. 28322 of 2025

Anjan Haldar & Ors.

Versus

The State of West Bengal & Ors.

Mr. Soumya Majumdar, Sr. Adv.
Mr. Anindya Bose,
Mr. Santanu Maji,
Mr. Subhayu Das,
Ms. Debrani Mondal,
Mr. Mridul Biswas,
Ms. Raina Das,

...for the Petitioners.

Mr. Shiv Shankar Banerjee,
Mr. Siddharth Chamria

For the Respondent Nos.4 to 7.

Mr. Supriyo Chattopadhyay,
Ms. Iti Dutta

...for the State.

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

...for the WBBPE.

Ms. Asha G. Gutgutia

...for the NCTE.

1. By the present writ petition, the petitioners seek direction upon the respondent authorities, particularly the National Institute of Open Schooling (in short NIOS) for including Bengali as medium of instruction for the Six-Months Certificate Course (Bridge) in Primary Teacher Education.
2. The petitioners contend that they have been appointed as Assistant Teachers in respective primary

schools having B.Ed. degree. They are intending to get themselves registered for the Six-Months Certificate Course (Bridge) conducted by the NIOS. The petitioners are aggrieved that the programme does not include Bengali as a medium of instruction, hence this writ petition.

3. Mr. Anindya Bose, learned Advocate appearing for the petitioners submits that as per the direction passed in ***Devesh Sharma versus Union of India & Ors.*** reported in **2023 SCC OnLine SC 985**, the petitioners who were appointed prior to date of the judgment passed by the Hon'ble Supreme Court have to complete Six-Months Certificate Course (Bridge). In accordance thereof, the National Council for Teacher Education (*in short, 'NCTE'*) was directed to design a course under overall supervision of Ministry of Education, Government of India which would be applicable to each State and Union Territory. The programme has been so designed that the medium of instruction for Six-Months Certificate Course (Bridge) in Primary Teachers Education is restricted only to Hindi and English language. The medium of Bengali language has not been included which is causing inconvenience to the petitioners who are intending to take admission in such course. Referring to Section 29(f) of the Right of Children to Free and Compulsory Education Act, 2009 (*hereinafter referred to as 'Act of 2009'*), he submits that medium of instruction shall

as far as practicable be child's mother tongue. He seeks for appropriate direction upon the respondent-NIOS to including Bengali language as a medium of instruction.

4. Mr. Shiv Shankar Banerjee, learned Advocate for respondent-NIOS submits that the entire prayer of the petitioners is based on their convenience. The petitioners have all passed B.Ed. examination after completing graduation. Therefore, they are presumed to understand English language, if not Hindi. The NIOS has structured and designed the programme PAN India so that the training programme can be imparted in English or Hindi. However, liberty has been granted to the teachers to write their examination papers in scheduled language in Eighth Schedule. There is no such infringement of any legal or constitutional right of the petitioners, as has been pleaded in the writ petition. He also indicates that the course is made through Open and Distance Learning (*in short*, 'ODL') mode and visual modes are also used which are already in English or Hindi language. It is expected of the teachers to understand English. The course so structured by the NIOS does not affect the provisions of Article 350A of the Constitution of India. He seeks for dismissal of the writ petition.

5. Ms. Asha G. Gutgutia, learned Advocate appearing for the NCTE submits that such programme has been structured by the NIOS upon approval by the NCTE.
6. Mr. Ratul Biswas, learned Advocate for the West Bengal Board of Primary Education submits that the Board is no way affected by course being conducted by the NIOS.
7. Having heard the learned Advocates for the respective parties, the only issue which falls for consideration is whether the Bengali language as a medium of instruction be included for Six-Months Certificate Course (Bridge) in the Primary Teachers Education or not.
8. Upon going through the programme at page 170 of the writ petition in clause 9 'Medium', it is found that the medium of instruction has been made in Hindi and English language. It is relevant to note that the teachers are allowed to write the public examination (theory) in any of the 22 scheduled languages listed in Eighth Schedule. Therefore, the petitioners cannot claim that they are affected by such programme. One cannot be oblivious to the fact that the teachers have completed B.Ed. examination and as such they are acquainted with the English language if not Hindi. Section 29(f) of the Act, 2009, provides that the medium of instruction shall be child's mother tongue as far as practicable. The aforesaid provision has nothing to do with the programme which has been

scheduled for the Six-Months Certificate Course (Bridge) of the teachers. Thus, this Court finds substance in the submission of Mr. Banerjee, learned Advocate for the NIOS. Accordingly, the writ petition falls short of merit.

9. In light of the aforesaid, writ petition being **WPA 28322 of 2025** is dismissed.
10. Interim order, if any, stands vacated.
11. All connected applications, if any, stand disposed of.
12. There shall be no order as to costs.
13. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
14. 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.)