

13.01.2026
Item No.03
Court No.11
Avijit Mitra

MAT 03 of 2026
with
IA No.CAN 1 of 2026

Anjan Haldar & ors.
- versus -
State of West Bengal & ors.

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

...for the appellants

Mr. Tapan Kumar Mukherjee, Sr. Adv.,
Ms. Iti Dutta

...for the State

Mr. Shib Shankar Banerjee,
Mr. Siddharth Chamria

...for the respondent nos.4 to 7

Mr. Dwarika Nath Mukherjee,
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

....for WBBPE

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging the order dated 18th December, 2025 passed by the learned single Judge in the writ petition being WPA 28322 of 2025. The said writ petition was preferred, *inter alia*, praying for issuance of necessary direction upon the respondents including the National Institute of Open Schooling (hereinafter referred to as NIOS), *‘to include Bengali as a medium of instruction for the Six-Months Certificate Course (Bridge) in Primary*

Teacher Education, meant for the Primary Teachers appointed with B.Ed degree which has presently been restricted only to Hindi and English for Primary Teachers appointed with B.Ed. qualification’.

Mr. Majumdar, learned senior advocate appearing for the writ petitioners/appellants submits that the learned single Judge erred in law in proceeding on the basis that allowing the candidates to write the public examination (theory) in any of the 22 scheduled languages in eighth schedule would automatically cure the defect in medium of instruction. Such finding is contrary to the provisions of clause 9 of the programme guide pertaining to the Six-Months Bridge Course (hereinafter referred to as the bridge course) which categorically provides that *‘the medium of the instruction shall be in Hindi and English Language’.*

He further submits that NIOS published various course materials and guidelines relating to Diploma in Elementary Education (hereinafter referred to D.El.Ed.) programme. The said documents clearly show that the academic content, explanations, course layout and instructions were primarily provided in Bengali version and the unilateral decision of NIOS to restrict the bridge course only to Hindi and English medium, is arbitrary and unreasonable and violative of the provisions of Section 29(2)(f) of the Right of

Children to Free and Compulsory Education Act, 2009 (hereinafter referred to as the Act of 2009).

He argues that NIOS itself conducted the D.El.Ed. course in Bengali medium as would be explicit from the guidelines annexed at page 259 of the stay application. The exclusion of the subject Bengali, being the mother tongue of the appellants, as a medium of instruction would cause insurmountable inconvenience to the appellants. Such arguments, as advanced, were glossed over by the learned single Judge and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Banerjee, learned advocate appearing for the NIOS denies and disputes the contention of Mr. Majumdar and submits that the entire prayer of the writ petitioners is based on their convenience. They have all passed B.Ed. after completing the examination and therefore, they are acquainted with the English language, if not Hindi. The contents of the medium of instruction cannot be urged to be in violation of Section 29(2)(f) of the Act of 2009 inasmuch as the said provisions suggest that the medium of instruction shall be of the child's mother tongue '*as far as practicable*'. Thus there had been no infringement of any legal right of the appellants.

Mr. Biswas, learned advocate enters appearance on behalf of the West Bengal Board of Primary Education (hereinafter referred to as the said Board) and submits that no specific allegation has been levelled against the Board.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

An appellate power interferes not when the order appealed is not right but only when it is clearly wrong. The argument of Mr. Majumdar that the restriction of medium of instruction only to Hindi and English language excluding Bengali language creates a substantial barrier and infringes the legal rights of the appellants, in our opinion, was rightly discounted by the learned single Judge inasmuch as the programme guide pertaining to the bridge course permits the teachers *‘to write public examination (theory) in any of the 22 scheduled languages listed in eighth schedule’*. It is not a case that the appellants have no knowledge in the subject of English or that the non-incorporation of the Bengali subject as a medium disentitles them from participating in the bridge course. The procedure adopted by NIOS in conducting the bridge course also does not appear to be in derogation to the directions contained in the

judgment of the Hon'ble Supreme Court delivered in the case of *Devesh Sharma Vs. Union of India & Ors.*, upon which reliance has been placed by Mr. Majumdar.

In the said conspectus, we are not inclined to interfere with the order impugned which has been passed upon dealing with the factual issues and upon arriving at specific findings.

Accordingly, the appeal and the connected application are dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)