

19.01.2026
Sl. No.2(DL)
Ct. No.14
srm

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

W.P.A. No. 628 of 2026

Amitava Roy Chowdhury

Versus

The State of West Bengal & Ors.

Mr. Chittapriya Ghosh,
Mr. Somesh Kumar Ghosh,
Ms. Priyanka Saha,
Mr. Suman Mukherjee,
Ms. Tulika Bag

...for the Petitioner.

Mr. Shiv Shankar Banerjee,
Mr. Siddharth Chamria

...for the NIOS.

Ms. Mousumi Haldar Choudhury,
Mr. Bhaskar Chakraborty

...for the State.

Mr. Bhaskar Prasad Vaisya,
Mr. Gourav Das

...for the DPSC, South 24-Parganas.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury,
Ms. Soumyadipa Kanu

...for the WBBPE.

Ms. Asha G. Gutgutia

...for the NCTE.

1. This matter is appearing in the list under the heading
"To Be Mentioned".
2. Affidavits-of-service filed on behalf of the petitioner are
taken on record.
3. On the prayer of the learned Advocate for the
petitioner, leave is granted to implead the Chairman,

District Primary School Council, South 24-Parganas as added respondent No.12.

4. Learned Advocate-on-record for the petitioner is directed to serve copy of the writ petition along with its annexures to Mr. Gourav Das, learned Advocate for the added respondent No.12.
5. By the present writ petition, the petitioner seeks direction upon the respondent Nos.2 and 5 to 11 to permit the petitioner being untrained primary teacher having B.Ed qualification to take admission for 6 Months Certificate Course (Bridge) in Primary Teacher Education as notified under Notification No.7 of 2025 dated 25th November, 2025 issued by the National Institute of Open Schooling (*in short 'NIOS'*).
6. The petitioner is an Assistant Teacher in a primary school and he joined on 10th January, 2018 pursuant to appointment letter dated 9th January, 2018 relating to recruitment process of 2016. As per the judgment of the Hon'ble Supreme Court dated 11th August, 2023 passed in ***Devesh Sharma versus Union of India & Ors.*** the petitioner has to complete 6 Months Bridge Course. However, the notification of NIOS debars the petitioner from taking admission in the said course since the petitioner was not appointed in accordance with notification of NCTE dated 28th June, 2018. Hence, this writ petition.
7. Mr. Chittapriya Ghosh, learned Advocate for the petitioner submits that the petitioner has been given

appointment in the year 2018 in relation to recruitment process of 2016. The candidates, who were given appointment in the year 2017 pertaining to the aforesaid recruitment process, were allowed to take admission in 6 Months Bridge Course in the year 2017. Furthermore, the candidates who failed to clear such examination were subsequently also allowed to re-appear in the examination pursuant to the order of this Court passed in *Ranjana Mukherjee & Ors. versus The Union of India (In Re: WPA 14503 of 2023)*. He seeks that similar benefit be extended to the petitioner so that the petitioner be allowed to take admission in the 6 Months Bridge Course as per the Notification dated 25th November, 2025 of the NIOS. He informs that the Court that today i.e. 19th January, 2026 is the last date for submission of the application.

8. On the contrary, Mr. Shiv Shankar Banerjee, learned Advocate appearing for the respondent NIOS submits that the notification issued by the NIOS has been made as per the direction of the Hon'ble Supreme Court passed in *Devesh Sharma (supra)*. He leaves the matter to the discretion of the Court if the Court decides to extend any equitable relief in favour of the petitioner.
9. Similar submission is also advanced by Ms. Asha G. Gutgutia, learned Advocate appearing on behalf of the NCTE.
10. The petitioner is an untrained teacher appointed in the recruitment process, 2016. The appointment of the

petitioner has been given in the year 2018. Admittedly, the candidates who were appointed in 2017 in respect of the recruitment process of 2016 were permitted to take admission in the 6 Months Bridge Course of the year 2017. It is also not in dispute that some of the candidates who appeared in the examination of Bridge Course of 2017 and failed to clear such examination, were also allowed to re-appear in terms of the order of this Court passed in *Ranjana Mukherjee (supra)*, which is reproduced hereunder:

“7. In view of the above, if the petitioners are allowed to appear for the examination afresh, after failing the earlier attempt or not being able to give the examination for other reasons, the petitioners would be entitled to a valid training qualification and consequently ‘A category’ pay scale.

8. Since the NIOS itself permits SYCT i.e. (Subject Yet to Clear in Theory), the petitioners are entitled to reattempt the said bridge course examination of PDPET course of the year 2017, examination whereof was held in the year 2019 in terms of the programme guide, the petitioners are entitled to reappear in the examination in three subsequent attempts upon payment of fees to the NIOS.

9. In these circumstances, this Court directs the NIOS to permit the petitioners to participate for the next available PDPET examination upon payment of prescribed fees and production of their credentials and documents.”

11. The petitioner has joined in the post of Assistant Teacher as an untrained teacher with B.Ed qualification. The said qualification is declared ineligible by the Hon’ble Supreme Court in *Devesh Sharma (supra)*. The B.Ed qualification has not been recognised by the Hon’ble Supreme Court as a

qualifying course to enable a person to teach in primary schools.

12. By order dated 8th April, 2024 in Miscellaneous Application Diary No.4303 of 2024 (arising out of impugned final judgment and order dated 11th August, 2023 in Civil Appeal No.5068/2023 passed by the Supreme Court of India) in *Devesh Sharma versus Union of India & Ors.*, the Hon'ble Supreme Court permitted in service B.Ed. degree holders, to undergo a bridge course that will entitle them to be treated as trained candidates.
13. The petitioner being the candidate having joined in the service in the year 2018 in relation to same recruitment process of 2016 stands on the same footing as of the candidates who were permitted to take admission in the year 2017. As such the petitioner is entitled to a valid training qualification.
14. In such circumstances, the NIOS, respondent Nos.9 to 11 are directed to permit the petitioner to take admission in 6 Months Bridge Course as per the notification dated 25th November, 2025 through offline mode upon payment of prescribed fees and production of credentials and documents, in the event such application is submitted by the petitioner by tomorrow, i.e. 20th January, 2026 during office hours.
15. With the above direction, the writ petition being **WPA 628 of 2026** stands disposed of.

16. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
17. Interim order, if any, stands vacated.
18. All connected applications, if any, stand disposed of.
19. There shall be no order as to costs.
20. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
21. 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.)