

15.05.2026
Sl. No.4(DL)
Ct. No.14
srm

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

W.P.A. No. 6765 of 2026

Mehenur Sultana & Ors.

Versus

The State of West Bengal & Ors.

Mr. S. P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal

...for the Petitioners.

Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Acknowledgement showing deposit of deficit court fees is also taken on record.
3. By the present writ petition, the petitioners seek direction upon the respondent authorities to suitably amend, modify and/or issue corrigendum in respect of notification issued *vide* Memorandum No.755/WBBPE/2026/60R-09/2025 dated 12th March, 2026 by incorporating the documents to be produced by the candidates for Direct Recruitment of Special Education Teachers in Primary Schools.
4. The petitioners contend that all of them participated in direct recruitment of Special Education teachers in primary schools pursuant to notification under Memo

No.2061/WBBPE/2025/60R-09/25 dated 15th September, 2025 with Diploma in Elementary Education (*in short 'D.El.Ed'*) with a recognized qualification (Certificate/Diploma) from a Rehabilitation Council of India (*in short RCI*) approved institution equivalent to D.Ed. in Special Education and a valid CRR number. By a subsequent notification *vide* memo No.755/WBBPE/2026/60R-09/2025 dated 12th March, 2026, the candidates were requested to appear before the selection committee with Registration Certificate, Mark sheet and Certificate of 2-year D.Ed.(Special Education) Examination. However, the qualification of D.EL.Ed with a recognized qualification (Certificate/Diploma) from a RCI approved institution equivalent to D.Ed. in Special Education was not mentioned. Such action of the respondent authorities particularly West Bengal Board of Primary Education is illegal and arbitrary. The petitioners since have got requisite qualification of D.El.Ed and B.Ed. (Special Education) certificate with valid CRR number ought to be allowed to participate in the recruitment process. Hence, this writ petition.

5. Mr. S.P. Lahiri, learned Advocate appearing for the petitioners submits that all the petitioners have passed D.El.Ed and they have completed B.Ed. (Special Education) with valid CRR number from a RCI approved institution. As per the notification for direct recruitment of Special Education Teachers such

qualification is a valid qualification which has been introduced in compliance to the order of Hon'ble Supreme Court passed in W.P.(C) No.132 of 2016 and WPC No.876 of 2017 (*Rajnish Kumar Pandey & Ors. versus Union of India & Ors.*). Further, once the recruitment process commences there cannot be change in the rule of the game. By dint of the impugned notification dated 12th March, 2026 the Board has changed the rule of the game whereby the petitioners having the requisite qualification as aforesaid has been disallowed to participate in the recruitment process. To buttress his contention he relies on the decision of the Hon'ble Supreme Court passed in ***Tej Prakash Pathak & Ors. versus Rajasthan High Court & Ors.*** reported in **(2025) 2 SCC 1**. He seeks for appropriate orders in terms of prayer made in the writ petition.

6. On the contrary, Mr. Ratul Biswas, learned Advocate for the West Bengal Board of Primary Education submits that as per the recruitment notification the candidate must have D.El.Ed with a recognized qualification (Certificate/Diploma) from a RCI approved institution equivalent to D.Ed. in Special Education and a valid CRR number. None of the petitioners have the aforesaid requisite qualification with valid CRR number. The CRR number which has been annexed to the writ petition pertains to B.Ed. in Special Education, which is not equivalent to D.Ed in Special

Education as per requirement. Therefore, the petitioners do not qualify the eligibility criteria, as provided in the notification. Rather, the petitioners have made wrong statement in their applications claiming themselves to have passed D.El.Ed. with recognized qualification from a institution approved by the RCI. He seeks for dismissal of the writ petition.

7. Upon hearing learned Advocates for the respective parties, the only issue which falls for consideration is whether the petitioners are eligible to participate in the recruitment process in terms of the notification dated 15th September, 2025.
8. In order to examine the aforesaid issue it would be apposite to reproduce the qualifications requirement as per the notification:

“(c) Qualification requirement :

(i) *The candidate must be citizen of India.*

(ii) *The candidate must have :*

(1) *D.Ed. in Special Education from a RCI Approved Institute and a valid RCI CRR number.*

OR

D.El.Ed. with a recognized qualification (Certificate/Diploma) from a RCI approved institution equivalent to D.Ed. in Special Education and a valid CRR number.

(2) *Six-month training of teaching in cross disability area in inclusive education (*)*

() If the proposed programme (cross disability/top up course being developed by RCI as on in-service training is not available), the candidate if required with D.Ed. (Special Education) or equivalent qualifications has to compulsorily undergo aforesaid training as soon as the same is conducted.*

9. The petitioners contend that they are holders of D.El.Ed with a recognized qualification (Certificate/Diploma) from a RCI approved institution equivalent to D.Ed. in Special Education and a valid

CRR number. Now it is to be examined whether the petitioners fulfill the eligibility criteria as required under the recruitment notification.

10. Upon the going through the D.El.Ed certificates of the petitioners annexed to the writ petition, it is found that the petitioners have passed D.El.Ed conducted by West Board of Primary Education. The petitioners have also completed B.Ed in Special Education under RCI and have valid CRR number. Be that as it may, the certificates in B.Ed in Special Education also does not mentions that the same to be treated equivalent to D.El.Ed in Special Education. Thus, it is found that the petitioners failed to fulfill the eligibility criteria. Such being the position, the writ petition falls short of merit.
11. So far as the decision of the Hon'ble Supreme Court in *Tej Prakash Pathak (supra)* is concerned, although that is a settled principle of law, however, the ratio does not apply in facts of circumstances of the present.
12. Accordingly, the writ petition being **WPA 6765 of 2026** stands dismissed.
13. Interim order, if any, stands vacated.
14. All connected applications, if any, stand disposed of.
15. There shall be no order as to costs.
16. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

17. 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.)