19.11.2026
Sl. No. 35
AMR
Ct.No.4

FMA 611 of 2026
with
IA No.: CAN/1/2026

Pranab Biswas
Vs.
The State of West Bengal & Ors.

Mr. Kaushik Dey
Mr. Sutirtha Das
Mr. Debdipto Banerjee
Ms. Debjani Halder
Ms. Aishwarya Roy

…for the Appellant

Mr. Subir Sanyal
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

…for the W.B.B.P.E.

Mr. Ajit Kumar Mishra, Ld. AGP
Mr. Yudhisthir Maity
Mr. Goptal Krishna Sarkar
Mr. Anup Dasgupta

…for the State

1. Heard the parties.

2. The facts are not in dispute.

3. The petitioner joined duty as a primary teacher on 30th January, 2014 as an untrained candidate. He acquired the B.Ed qualification on 19.09.2014.

4. The petitioner was granted 'A'-category scale of pay with effect from September, 2017, i.e. the date

on which he acquired the D.El.Ed course for the session 2015-2017.

5. The sum and substance of the writ petitioner's claim is for grant of 'A' category scale of pay with effect from September, 2014. He has raised such claim asserting that he had acquired B.Ed qualification in 2014, which was declared an essential requisite qualification for appointment in terms of the Notification dated 28.06.2018.

6. Upon perusal of the Notification dated 28.06.2018, the Hon'ble Single Judge held that by this Notification, for the first time, B.Ed was made an essential requisite qualification for appointment. Therefore, the same would not confer a right on the petitioner to claim 'A' category scale for the B.Ed acquired in the year 2014, i.e. before it was declared an essential qualification.

7. The learned Advocate for the appellant, however, submits that the Hon'ble Single Judge has failed to consider that the Notification was clarificatory. The erstwhile 2010 provision was clarified by the notification dated 28.06.2018; and, therefore, there is no scope for denying the writ petitioner's claim.

8. Another submission is advanced on the basis of the judgment of the Co-ordinate Bench in the case of one **Waliur Rahaman & Ors. vs. The State of West Bengal & Ors.** in MAT 1038 of 2024. It is submitted that those persons were similarly situated and the Co-ordinate Bench directed for grant of 'A' category pay scale, as claimed by the petitioner in the present proceeding.

9. The respondents have opposed the prayer. It is submitted that there is no infirmity in the decision of the Hon'ble Single Judge, rejecting the appellant/petitioner's claim.

10. We have considered the rival submission and the Notification dated 28.06.2018. It is apparent from a plain reading of the notification dated 28.06.2018 that for the first time, the N.C.T.E had introduced B.Ed as an essential qualification for appointment, vide Notification dated 28.06.2018. Since the erstwhile provision did not contemplate such requisite qualification, the same *(notification no. F.N. 61-03/20/2010/NCTE/(N & S) dated 23.08.2010)* was amended in the following terms:

> *"2. In the said notification in para 3, for sub-para (a), the following sub-para shall be substituted namely:-*

(a) who has acquired the qualification of Bachelor of Education from any NCTE recognized institution shall be considered for appointment as a teacher in classes I to V provided the person so appointed as a teacher shall mandatory undergo a six month Bridge Course in Elementary Education recognized by the NCTE, within two years of such appointment as primary teacher."

11. By no stretch of imagination, the Notification can be read so as to retrospectively impose an essential qualification of B.Ed for appointment of teachers. The submission is devoid of any substance whatsoever.

12. The notification dated 28.06.2018 prescribed a qualification, which thereafter was required to be observed for appointment of a teacher.

13. In so far as the submission regarding other similarly situated being granted the benefit in the case of *Waliur Rahaman & Ors. (supra)*. The learned Advocate for the appellant has failed to show that the appellants therein were claiming such a benefit retrospectively, as is being claimed by the present petitioners.

14. The reliance placed on the judgment of the Co-ordinate Bench, therefore, is factually distinguishable

and thoroughly misplaced. We find no substance in the submission claiming parity with the writ petitioners in Waliur Rahaman case (supra).

15. We, therefore, find no infirmity in the decision of the Hon'ble Single Judge under appeal.

16. Accordingly, the appeal is dismissed. Consequently, the application is also dismissed.

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

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)