

06.02.2026
Sl. No.20(DL)
Ct. No.14
srm

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

W.P.A. No. 16225 of 2025

**Arijit Sarkar
Versus
The State of West Bengal & Ors.**

Mr. Tarun Jyoti Tewari,
Mr. Bikramjit Dutta,
Mr. Dipankar Bhakta

...for the Petitioner.

Mr. Biswabrata Basu Mallick,
Mr. Biman Halder,
Mr. Aman Arif Ansari

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

Mr. Subhabrata Das,
Ms. Pinaki Dhole

...for the State.

Mr. Subir Sanyal, Sr. Adv.
Mr. Ratul Biswas,
Mr. Kaushik Chowdhury

...for the WBBPE.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. By the present writ petition, the petitioner seeks for updation of the records of the petitioner as trained empanelled candidate of 2016 selection process in the master data of the West Bengal Board of Primary Education and for setting aside of the order dated 19th September, 2018 passed by respondent no.3, Secretary, West Bengal Board of Primary Education.
3. The petitioner contends that he participated in the selection process of 2016. The petitioner upon qualifying has been appointed as an Assistant

Teacher in the year 2017. The petitioner at the time of joining has already completed D.El.Ed. course. Since the petitioner was shown as an untrained candidate he filed a writ petition before this Court being WPA 14790 of 2023.

4. The said writ petition was disposed of on 1st May, 2024 with the following direction:

“3. In those circumstances, this Court directs the Secretary of the West Bengal Board of Primary Education to consider the writ petition itself as a representation of the petitioner and take appropriate step for including the marks in the training qualification if he so eligible in accordance with the applicable rules.”

5. Pursuant to such order, the petitioner has been granted all the service benefits including ‘A’ category scale of pay from the date of joining. However, since the impugned order records in paragraph no.2 that the petitioner joined as an untrained candidate, the present writ petition is pursued by the petitioner.
6. Mr. Bikramjit Dutta, learned Advocate for the petitioner submits that the petitioner prior to joining the service completed D.El.Ed. course and as such he is to be treated as a trained candidate from the date of his joining for all purposes. The recording in the impugned order dated 19th September, 2024 of the Secretary of the West Bengal Board of Primary Education that the petitioner joined as an untrained candidate is incorrect. He seeks for appropriate orders for correction of service records of the petitioner to the aforesaid extent and setting aside of the impugned order.

7. In reply to the aforesaid submission advanced on behalf of the petitioner, Mr. Subir Sanyal, learned Senior Advocate appearing for the Board submits that the order clearly records that for all purposes the petitioner would be treated as a trained candidate and all service benefits have already been extended to the petitioner. Therefore, the petitioner cannot vouch any relief in the writ petition. To buttress his contention, he relies on the decision of the Hon'ble Division Bench of this Court passed in ***Bhaswati Bhattacharyya & Ors. versus The State of West Bengal & Ors. (In Re: MAT 846 of 2025)***.
8. The issue which falls for consideration whether the impugned order passed by respondent no.3, Secretary, West Bengal Board of Primary Education is sustainable or not?
9. The impugned order passed by the Secretary of the Board dated 19th September, 2024 has been challenged precisely on the ground that there is a recording in the impugned order that the petitioner joined the service as an untrained candidate. For examining the aforesaid ground, it would be apposite to reproduce the recordings in paragraph no.4 of the impugned order as hereunder:

"4. Now in reliance with the above information provided by the Bihar School Examination Board, Patna, the petitioner shall be treated as a trained candidate from the date of his joining (06.02.2017) as an Assistant Teacher at Rabindra Manash Saraswati Hindi Primary School, Hooghly and all service benefits may be allowed to the petitioner as a trained teacher subject to fulfilment of other necessary terms and conditions as per extent norms.

Thus the matter is disposed of and all concerned may be informed accordingly.”

10. It is manifest from the aforesaid paragraph that the petitioner shall be treated as a trained candidate from the date of his joining (06.02.2017) as Assistant Teacher.
11. The Hon’ble Division Bench in *Bhaswati Bhattacharyya (supra)* observed as follows:

“In the said conspectus and upon hearing the learned advocates appearing for the respective parties, we are of the opinion that no useful purpose will be served by keeping the writ petition and the appeal pending till disposal of the writ petitions in connection with which the memo dated 28th November, 2002 was issued inasmuch as it clearly transpires from the documents on record that the appellants have been treated as trained assistant teachers in primary schools and have been granted the appropriate scale of pay. Such status and qualification of the appellants are undisputed.”
12. Bearing in mind the aforesaid, the prayer made in the writ petition for necessary correction falls short of merit since the order clearly states that the petitioner has been treated as a trained candidate from the date of his joining.
13. In light of the above, this writ petition being **WPA 16225 of 2025** is hereby dismissed.
14. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
15. Interim order, if any, stands vacated.
16. All connected applications, if any, stand disposed of.
17. There shall be no order as to costs.
18. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.

19. 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.)