
(2015) 07 CAL CK 0003
In the Calcutta High Court
Case No : Writ Petition No. 13074(W) of 2015

Mrinmoy Chatterjee

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 02-07-2015

Acts Referred:

Citation : (2015) 07 CAL CK 0003

Hon'ble Judges : Debangsu Basak, J

Bench : Single Bench

Advocate : Jaydeep Mazumder, Amitabrata Roy and Tulsidas Maity, for the Appellant; Subir Sanyal, Ratun Biswas, L.K. Gupta and Joyak Gupta, Advocates for the Respondent

Final Decision : Dismissed

Judgement

Debangsu Basak, J.

1. The writ petitioner complains that the authorities are proposing to conduct a Teacher Eligibility Test in 2015 in violation of the Notification bearing No. 285-SE (EE)/P/10M-6/-09(Pt) dated July 24, 2012. It is submitted on behalf of the writ petitioner that by a Memo No. 686/BPE/2015 dated May 26, 2015 the notification for Teacher Eligibility Test for classes 1 to 5 to be conducted by the West Bengal Board of Primary Education is contrary to the Notification dated July 24, 2012 of the State Government. The Notification dated July 24, 2012 prescribes examination for five subjects with 20 marks and 20 questions each for each of the subject specified. In May 26, 2015 Notification an additional subject of Pedagogy has been included under the head of Child Development. The marks for the modified five subjects have been increased to 30 marks each. Learned Counsel for the writ petitioner submits that the State is acting beyond its Notification dated July 24, 2012 and as such it could not have issued the Memo dated May 26, 2015 to change the subject and the marks. The present Teacher Eligibility Test should be held in accordance with the subject and the marks prescribed by the Notification dated July 24, 2012. Referring to Right of Children

to Free and Compulsory Education Act, 2009 it is submitted that the Central Government can relax application of certain provisions of the Act for a limited period. The Central Government has allowed relaxation for a specific period which has since been extended. Therefore, it is imperative for the State Government to conduct the Teacher Eligibility Test within the extended time.

2. The respondent authorities are represented.

3. Learned Additional Advocate General appearing for the State authorities has submitted that the Central guidelines forwarded by the National Council for Teachers Education under cover of a letter dated February 11, 2011 have been followed while issuing the Memo dated May 26, 2015. The Central guidelines have prescribed that there should be five papers and one of such papers should be Child Development and Pedagogy. Examination for each of the five papers should be of 30 marks each. The learned Additional Advocate General has submitted that the Ministry of Human Resource Development, Government of India has relaxed the training qualification till March 31, 2006 for the State of West Bengal. In view of such relaxation the West Bengal Board of Primary Education has taken steps for holding the Teacher Eligibility Test. The learned Additional Advocate General has referred to the Order dated April 17, 2015 passed by a learned Single Judge allowing such examination to be held and the Order dated June 23, 2015 passed in M.A.T. 904 of 2015. The Appeal Court had dismissed the appeal directed against the Order dated April 17, 2015 passed in W.P. No. 3863(W) of 2015. The Learned Additional Advocate General has also submitted that no right of the writ petitioner has been affected by the Memo dated May 26, 2015. In such circumstances it is submitted that the writ petition should be dismissed.

4. On behalf of the Council authorities it is submitted that no right of the writ petitioner has been affected. The State Government has proceeded on the basis of the Central guidelines and, therefore, the action of the State authorities in conducting the Teacher Eligibility Test in accordance with the Central guidelines cannot be faulted.

5. I have heard the rival contentions of the respective parties and have considered the materials made available on record.

6. The writ petitioner claims to have participated in Teacher Eligibility Test earlier. The writ petitioner claims to be qualified to participate in the forthcoming Teacher Eligibility Test.

7. The State authorities have prescribed criteria for recruitment of Primary School Teacher and have framed the West Bengal Primary Teachers Recruitment Rules, 2001. By the Notification dated July 24, 2012 the State authorities has amended various provisions of the West Bengal Primary Teachers Recruitment Rules, 2001. The relevant amendment of 2012 in the Recruitment Rules of 2001 is as follows:--

"(3) Teacher Eligibility Test (TET) shall be held in 100 marks consisting of the following (five) 5 sections:--

- (a) Section I - Child Development - 20 Marks - Question 1 to 20.
- (b) Section II- Language I - 20 Marks - Questions 1 to 20.
- (c) Section III - Language II - 20 Marks - Questions 41 to 60.
- (d) Section IV - Mathematics _ 20 Marks - Questions 61 to 80.
- (e) Section V - Environmental Science - 20 Marks - Questions 81 to 100.

Note 1 - All questions shall be of multiple choice types with four alternatives out of which one option will be correct. All questions shall be compulsory and each item shall carry one mark. But there will be no negative marking.

Note 2 - First Language of the candidate shall be determined as per the medium of instruction of the primary school for which the vacancy occurred and Second language be English."

8. The authorities seek to hold a Teacher Eligibility Test for classes 1 to 5. By a Notification dated May 25, 2015 the West Bengal Board of Primary Education has notified that the Teacher Eligibility Test for classes 1 to 5 would be conducted by the West Bengal Board of Primary Education as per the National Council for Teachers Education guidelines. The State authorities have issued a corrigendum and addendum to the Notification dated May 26, 2015. One of the corrigendum and addendum is reorganizing the first paper to be a paper of Child Development and Pedagogy instead of Child Development alone. The second corrigendum and addendum is that the marks for each of the five papers have been increased from 20 to 30. There are other corrigendum and addendum in the Notification dated May 26, 2015 which the present writ petition is not concerned with. The corrigendum and addendum dated May 26, 2015 is as follows:--

"CORRIGENDUM AND ADDENDUM TO THE NOTIFICATION/MEMO NO. 673/BPE/2015, DATE: 25-05-2015

"NOTIFICATION FOR TEACHER ELIGIBILITY TEST (TET) FOR CLASSES - I - V, TO BE CONDUCTED BY WEST BENGAL BOARD OF PRIMARY EDUCATION AS PER NCTE GUIDELINES"

1. Please insert "qualifications" after "minimum" in the third paragraph of the said notification which begins with "only those persons....."

2. Please insert the following as the seventh paragraph before the paragraph which begins with "First Language....."

9. Admittedly, the corrigendum and addendum dated May 26, 2015 to the extent indicated is in consonance with the National Council for Teachers Education guidelines. True the State Government guidelines dated July 24, 2012 have not been amendment till date. In my view, such a position does not prevent the

authorities to follow the National Council for Teachers Education guidelines. The corrigendum and addendum dated May 26, 2015 is not beyond the National Council for Teachers Education guidelines. In fact, the amendments introduced by the Notification dated July 24, 2012 are at variance with that of the guidelines issued by the National Council for Teachers Education. However, whether or not the guidelines issued by the National Council for Teachers Education are binding upon the State Government is not an issue in the present writ petition. I am not called upon to answer the same.

10. I find that the State authorities have followed the National Council for Teachers Education guidelines in issuing the corrigendum and addendum dated May 26, 2015. I find no infirmity in the action of the State authorities in doing so. The corrigendum and addendum dated May 26, 2015 are of universal application to all candidates seeking to appear in the ensuing Teacher Eligibility Test. The writ petitioner has not been able to substantiate that any of his legal right being violated by the corrigendum and addendum Memo dated May 26, 2015. The Division Bench in M.A.T. 904 of 2015 has allowed the Teacher Eligibility Test to be held as permitted by the Order dated April 17, 2015 passed in W.P. No. 3863(W) of 2015.

11. In such circumstances, I do not find any merit in W.P. No. 13074(W) of 2015. The same is dismissed however without any order as to costs.