
(2011) 05 CAL CK 0038
In the Calcutta High Court
Case No : Writ Petition No. 24013 (W) of 2010

Rinku Das

APPELLANT

Vs

State of West Bengal and Others

RESPONDENT

Date of Decision : 11-05-2011

Acts Referred:

Citation : AIR 2011 Cal 120

Hon'ble Judges : Biswanath Somadder, J

Bench : Single Bench

Advocate : Sougata Bhattacharya and Kartik Kr. Ray, for the Appellant;

Judgement

Biswanath Somadder, J.—Having heard the learned advocates for the parties and upon perusing the instant writ petition, it appears that the petitioner participated in the recruitment process initiated by the District Primary School Council, Burdwan, for the 2006 recruitment process. However, her name was not cleared for approval by the Director of School Education, West Bengal, because of her academic qualification. The petitioner holds a Diploma of Teaching (Pre-Primary and Primary Teachers" Training Course) issued to her by the Government of West Bengal, Directorate of School Education, A certificate to that effect was issued to her in the year 1995, signed by the Director of School Education, West Bengal, and the Assistant Director of School Education (Training and Examination), West Bengal. From the certificate it appears that the diploma was awarded in favour of the writ petitioner after she pursued a suitable course of General Education-cum-Professional Training over a period of two years, during the session 1993-95 and passed the Final Theoretical and Practical Pre-Primary and Primary Teachers" Training Examination, 1995, in the First Division. It is the admitted position that the relevant academic session in the instant case was 1993-95, which was prior to coming into force of the National Council for Teacher Education Act, 1993. The said Act, as it appears, came into force on 1st July, 1995.

2. The issue of grant of recognition of degrees and diplomas awarded to students who had obtained qualification from institutions which were already in existence

and offering a course or training in teacher education prior to coming into force of the National Council for Teacher Education Act, 1993, came up for consideration before the Hon'ble Supreme Court in a recent judgment rendered in the case of State of U.P. and Others Vs. Bhupendra Nath Tripathi and Others, . The Supreme Court has observed, inter alia, that the NCTE Act provides for recognition of institution offering course or training in teacher education and does not speak about recognition of degrees granted by such institutions prior to the said Act coming into force. The Supreme Court has gone on to observe that degrees granted by the institutions already in existence offering a course or training in teacher education shall be deemed to be at par with the degrees or certificates granted by the recognized institutions after the commencement of the NCTE Act, 1963, provided those institutions in existence offering the course also received recognition under the said Act.

3. In the instant case, it is noted that the Diploma of Teaching was not awarded to the writ petitioner by any private educational institution. The Diploma of Teaching was awarded to the petitioner by the Government of West Bengal, Directorate of School Education, itself. The ratio of the decision of the Supreme Court, to the extent that such a qualification shall be deemed to be at par with the degrees or certificates granted by the recognized institutions after the commencement of the NCTE Act, 1993, is squarely applicable in the facts of the instant case: The State Government today cannot turn around and contend that its own diploma, Which was awarded in favour of the writ petitioner in the year 1995 after she had undergone requisite training in an educational institution of the government during academic session 1993-95, is not a valid qualification.

4. In such circumstances as elucidated above, the State as well as the Concerned Council shall consider the Diploma of Teaching obtained by the writ petitioner from the Government of West Bengal, Directorate of School Education, as a valid qualification and award such marks which the writ petitioner is entitled to, on the strength of such qualification which she possesses. The Chairman, District Primary School Council, Burdwan, upon awarding the necessary marks shall forward the name of the writ petitioner to the office of the Director of School Education, West Bengal, forthwith. The Director of School Education, West Bengal, immediately on receipt of the name of the writ petitioner from the office of the concerned council, shall take appropriate steps in the matter and grant approval in favour of the writ petitioner, in the event she conforms to and fulfils all statutory requirements necessary for the purpose of securing her appointment. It is expected that the Director of School Education, West Bengal, shall complete the process as expeditiously as possible, preferably within a period of four weeks, but not later than six weeks from the date of receipt of the name of the writ petitioner from the office of the District Primary School Council, Burdwan.

5. In the event the Director of School Education, West Bengal, grants approval in favour of the writ petitioner, the Chairman of the concerned council shall issue

appointment letter in favour of the writ petitioner within a week therefrom.

6. The writ petition stands disposed of accordingly.

7. Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.