

18.09.2026
Items 14-16
Court No.12
(cp)

FMA 666 of 2024

West Bengal Board of Primary Education & Ors.
Vs.
Sumita Roy & Ors.

With

FMA 774 of 2024

West Bengal Board of Primary Education
Vs.
Manashi Paul & Ors.

With

FMA 603 of 2025

West Bengal Board of Primary Education & Ors.
Vs.
Totan Patra & Ors.

Mr. Subir Sanyal, Sr. Advocate
Mr. Ratul Biswas
Mr. Kaushik Choudhury

... for the appellants.

Mr. Pritam Choudhury,
Mr. Sakhawat Khandakar
Mr. Sourav Mondal
Mr. Saikat Gayen

.....for the Respondent nos.
3,4,7,9 to 11 (FMA/666/2024),

Mr. Pritam Choudhury,
Mr. Sakhawat Khandakar
Mr. Sourav Mondal
Mr. Saikat Gayen

....for the respondent no.1.
(FMA 774 of 2024)

Mr. Pritam Choudhury,
Mr. Sakhawat Khandakar
Mr. Sourav Mondal
Mr. Saikat Gayen

.....for the Respondent nos. 1 to 4,
7 to 9, 11 to 14, 18 to 21.
(FMA/603/2025),

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Mainak Ghosal
Mr. Naman Shah,

Md. Imzamamul Islam,
Ms. Salini Bhattacharjee

...for the Respondent
Nos.1,2,6 & 8.
(FMA/666/2024)

Mr. Firdous Samim,
Ms. Gopa Biswas,
Mr. Mainak Ghosal
Mr. Naman Shah,
Md. Imzamamul Islam,
Ms. Salini Bhattacharjee

.....for the Respondent nos.
5,6,10,15 & 17
(FMA/603/2025)

1. As similar facts are involved and the order impugned is also similar, the appeals are heard together and disposed of by this common order.
2. The appeals arise out of an order dated March 4, 2024 passed in WPA No. 5966 of 2024. The appellant alleges that the order impugned in the three writ petitions were passed without considering the facts.
3. According to Mr. Sanyal, learned senior advocate for the appellants, a similar order to those which were passed by the learned Single Judge in respect of candidates who had originally applied in the recruitment process with their D.El.Ed. qualification, thereby, allowing them to sit for the interview, could not have been passed in the subject writ petitions. The fact situation of the three writ petitions out of which the present appeals arise were different. He submits that these candidates did not apply in the recruitment process on the basis of their D.El.Ed. qualification. They took advantage of their B.Ed qualification in

which they scored more marks and wanted to be considered at the interview on the basis of such qualification. The other candidates namely, Pijush Kanti Mondal and others, applied with D.El.Ed. qualification and wanted to be treated as candidates who had pursued their D.El.Ed. qualification for the session 2020-2022. They switched over when the Board permitted such alteration of the degree, but their initial applications for consideration in the recruitment process was on the basis of their D.El.Ed. qualification and not B.Ed. qualification. Whereas, the writ petitioners in the appeals consciously chose to opt for the B.Ed. qualification at the very initial stage. After the decision of the Hon'ble Supreme Court in *Devesh Sharma Vs. Union of India & Ors.*, reported in 2023 SCC Online SC 985, the writ petitions were filed. Thus, their averments and the prayers in the writ petitions were different.

4. According to Mr Sanyal, His Lordship erred in treating them to be similarly situated as those persons who had all along desired to participate in the process on the basis of the D.El.Ed. qualification, but chose to switch over to B.Ed. upon the Board granting them that opportunity.
5. We find from the averments in the writ petitions that these candidates/writ petitioners approached the writ court by filing respective writ petitions for a direction upon the Board to allow them to switch over from B.Ed to D.El.Ed. after the decision of the Hon'ble Apex

Court passed in **Devesh Sharma (supra)**. The writ petitions were filed because the candidates had become totally ineligible to be considered for the recruitment process. The prayers in the writ petitions also indicate that they sought for a writ of mandamus upon the respondents and each of them to take steps so that they could be considered at the recruitment process upon altering their qualifying degree to D.El.Ed.

6. Mr. Samim, learned advocate for some of the respondents, submits that the writ petitioners had the D.El.Ed. qualification. There could be numerous reasons why they wanted to be considered with the B.Ed. degree, or equivalent degree/diploma, but once they became ineligible to compete in the process on account of the decision of the Supreme Court, they could easily switch over. He submits that they are also similarly situated as Pijush Kanti Mondal etc. because on the date of consideration of the writ petitions. None of them had mentioned D.EL.ED as the qualification. They had altered the said qualification at the instance of the Board.
7. Mr. Chaudhury, learned advocate, submits that some of the writ petitioners had already been granted an opportunity to alter their qualification in the portal from B.Ed. to D.El.Ed. pursuant to applications made before the Board and the Board, even granted appointments.

8. We have considered the rival contentions of the parties and we are informed that in a matter in **Sumanta Koley & Ors. vs. State of West Bengal & Ors, WPA 2561 of 2024**, a learned Single Judge had already allowed switching over to D.El.Ed. qualification to similarly situated candidates who originally applied with B.Ed. but wanted to opt for the D.El.Ed. qualification, after the decision was rendered in Devesh Sharma (supra).
9. Our consideration in these appeals is restricted to the correctness of the order passed by His Lordship in the writ petitions from which this batch of appeals arise. We find that the facts and the situation leading to the filing of the writ petitions were different. The prayers were also different. It is only when the Supreme Court directed that the B.Ed. degree was not a valid qualification for being considered for appointment as primary teachers, the writ petitioners approached the writ court with the prayers which we have discussed earlier. Some of them also applied with other qualifications allegedly on the basis of the notification of the Board and wanted to switch over. However, His Lordship failed to identify the difference in the facts and the prayers and disposed of the said writ petitions, probably on a mistaken assumption that the issues involved in the writ petitions filed by of Pijush Kanti Mondal and others were similar to those raised by the writ petitioners in these appeals. We do not find any consideration by the learned Single Judge

permitting switch over from B.Ed. or other qualifications to D.El.Ed. The orders impugned in the appeals are set aside. The writ petitions are remanded for de novo hearing.

10. We leave all the points raised by the parties open. All the questions raised by Mr. Sanyal, Mr. Choudhury and also Mr. Samim shall be decided by the learned Single Judge. We set aside the order on the ground that they were passed along with a batch of other writ petitions, by treating all the matters to be similar in nature, but without identifying the basic difference in the facts. One difference in the fact makes a world of difference to the relief that can be granted.
11. In view of the ongoing process and urgency involved, parties are at liberty to approach the learned single Judge, for early listing and hearing of the matter.
12. Accordingly, the appeals are disposed of.
13. Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)

(Arjun Ray Mukherjee, J.)