

19.03.2025.
PB
Sl. No.6.
Ct. No.25.

WPA 20955 of 202
With
CAN 1 of 2023
With
CAN 2 of 2024

Sanjib Bar & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu,
Mr. Suman Banerjee,
Mr. Atreya Chakraborty.
... For the Petitioners.

Mr. B. P. Vaisya,
Mr. Joydip Banerjee.
.....for the State.

The Hon'ble Supreme Court in writ petitions (C) No.132 of 2016 has passed an order dated March 7, 2025, thereby delineating certain guidelines according to which the States have to act for the purpose of safeguard of rights of the Children with Special Needs in the State, by appointing Special Educators for them.

Mr. Basu, learned senior counsel has referred to a judgment of Supreme Court in the case of Rajneesh Kumar Pandey & Ors. Vs. Union of India & Ors. reported in 2021 SCC Online SC 1005, to submit that similar kind of guidelines have been provided by the Apex Court even on the earlier occasion. He is, however, expressing grievance of the petitioners that

the State Government in West Bengal has not taken any steps in terms of the guidelines provided by the Hon'ble Supreme Court in the judgments as above, particularly, that of 2021. The petitioners have stated that immediately after the judgment of 2021 was pronounced by the Hon'ble Supreme Court, they have come before the Court to espouse their rights, within the prescribed age of eligibility, for appointment as special educators, in terms of the Supreme Court order. however, allegedly, due to deliberate inaction of the State authority, in promulgation of the Rules and initiation of the recruitment process the petitioners are now faced with irreparable hardship, jeopardy and prejudice.

Mr. Vaisya by submitting a written instruction advanced to him on behalf of the State respondent in Court, has stated that in terms of the guidelines as issued by the Apex Court, there have been several steps taken by the State respondent by publishing the (1) West Bengal School Service Commission (Recruitment of Persons for Appointment to the Post of Special Education Teachers) Rules, 2024; (2) West Bengal Primary School Special Education Teachers) Rules, 2025.

Let a copy of the said written instruction be immediately served upon Mr. Basu, learned senior advocate appearing for the petitioner.

The written instruction filed by Mr. Vaisya in Court is taken on record.

Let Mr. Basu come up with necessary instruction on the next occasion.

Mr. Vaisya has submitted that in view of the Hon'ble Supreme Court decision and the steps taken by the State towards implementation thereof, the present writ petition has already become infructuous.

Let this matter be listed again on 3rd April, 2025, at 2 P.M.

(Rai Chattopadhyay, J.)