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WPA 20955 of 2021
with
CAN 1 of 2023
with
CAN 2 of 2024
with
CAN 3 of 2025
with
CAN 4 of 2025
With
CAN 5 of 2025

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

Mr. Kallol Basu, Sr. Adv.
Mr. Suman Banerjee
Mr. Atreya Chakraborty
... for the petitioner

Mr. Bhaskar Prosad Vaisya
Mr. Joydip Banerjee
... for the State

In Re : CAN 5 of 2025

The present application has been preferred praying for
following the reliefs :

“In the aforesaid circumstances, the applicants most humbly pray that the Court would be graciously pleased to issue a Rule calling upon the respondents to show cause as to why the applicants ought not to be allowed to participate in the recruitment process initiated vide Memo. No. 1207/7002/CSSC/ESTT/2025 dated 09.09.2025 upon relaxation of their age and considering their previous experience as Special Educators and upon showing any insufficient cause or otherwise, make the Rule absolute.”

Mr. Basu, learned Senior Advocate appearing for the applicants, submits that, in view of the order passed by the

Hon'ble Supreme Court of India in Writ Petition (Civil) No. 132 of 2016, the applicants have acquired the right to participate in the selection process initiated by the West Bengal Central School Service Commission for appointment to the post of Special Education Teacher. Drawing my attention to Rules 4 and 5 of the West Bengal School Service Commission (Recruitment of Persons for Appointment to the Posts of Special Education Teachers) Rules, 2024 (hereinafter referred to as the "2024 Rules"), he submits that the applicants satisfy all the qualifications prescribed under Rule 4 of the 2024 Rules, except the qualification stipulated in sub-rule (3) thereof.

He further submits that the Hon'ble Supreme Court directed all the States to constitute a Screening Committee, with a mandate to extend the benefit of age relaxation to candidates engaged in imparting education to students with special needs.

He contends that the applicants in CAN 5 of 2025 have been rendering services in various private schools run by Non-Government Organizations; however, they have already crossed the prescribed upper age limit. He further submits that the last date for submission of applications for the said post is 24th September, 2025.

He prays for a direction upon the respondents to permit the petitioners to participate in the selection process by extending to them the benefit of age relaxation.

Mr. Vaisya, learned Advocate representing the State, submits that the issue relating to the appointment of Special Education Teacher in various Government recognised institutions is pending for consideration before the Hon'ble Supreme Court. By passing an interim order the Hon'ble Supreme Court has given direction to constitute the Screening Committee for the Government run schools. He also submits that applicants who are working in private schools run by the Non-Government Organisations are not entitled to get any benefit in that order passed by the Hon'ble Supreme Court or under the Recruitment Rules. He submits that the applicants could have approached the Hon'ble Supreme Court. According to him, since the Hon'ble Supreme Court, it would not apposite for this Court to interfere in this matter

Heard the learned Advocates appearing for the respective parties and perused the materials on record placed before me.

Indisputably, the applicants in CAN 5 of 2025 are not the petitioners before the Hon'ble Supreme Court. It is also not in dispute that the applicants have been rendering their services in various private schools run by Non-Government Organisations (for short, "NGOs"). The applicants, however, have crossed the upper age limit prescribed under the 2024 Rules. Mr. Basu has further submitted that the applicants do not fulfil the qualification stipulated in sub-rule (3) of Rule 4 of the 2024 Rules.

Rule 5 prescribes minimum and maximum age limits for the posts are 21 and 40 years, respectively. However, Rule 5(a) of the Recruitment Rules, 2024, a proviso to the Rule 5 deals with the issue of relaxation of age. For proper appreciation of the issue, it would be apposite to quote Rule 5(a) of the Recruitment Rules, 2024, which reads as follows:

“5(a) Provided that the Special Educators and Inclusive Education for the Disabled Coordinators of the State working under Paschim Banga Samagra Shiksha Mission and those who are working under Govt. recognized Special Schools running under Mass Education Extension & Library Science Department to the Govt. of West Bengal, with approval of the said Mission or competent authority (District Education Officer, SSM of respective Districts-in-case of Special Educators & IE Coordinators working under Paschim Banga Samagra Shiksha Mission & District Mass Education & Extension officer of respective Districts in case of Special Educators/special teachers working in Special schools approved/recognised under MEE Dept.) as the case may be, may apply for the post up to age of 55 years.”

In response to a query from this Court, Mr. Basu, in his usual fairness, submitted that the applicants are not entitled to the benefit of the proviso to Rule 5(a). Mr. Vaisya, learned Advocate appearing for the State, concurred with the submission made by Mr. Basu.

Undoubtedly, by its order dated 7th March, 2025, passed in Writ Petition (Civil) No. 132 of 2016, the Hon’ble Supreme Court of India directed all the States and Union Territories to constitute a Screening Committee. The Screening Committee was mandated to grant special pay to teachers engaged on contract or daily-wage basis for teaching children with special needs, subject to fulfilment of certain conditions, and was

further authorized to consider relaxation of the age limit in appropriate cases.

The relevant portion of the order dated 7.3.2025 is reproduced as follows:

“The screening committee shall examine the case of each of the candidates who have been working on contract/daily wage basis to teach these children and those teachers who have been found to be competent/eligible and qualified to teach, shall be given the pay scale of special teacher. The past experience of these teachers shall also be kept in mind. However, the mandatory requirement for each of the candidates would be RCI qualification.

Further, in case of a person who was already working and teaching for the last many years, the Screening Committee shall also be authorized consider relaxation of the age limit in appropriate cases.”

The order dated 7th March, 2025, passed by the Hon’ble Supreme Court, was confined to teachers serving in various Government-run schools and/or educational institutions. In that context, the Hon’ble Supreme Court had directed all the States and Union Territories to furnish vacancy statements and accordingly passed the aforesaid order. The applicants, who are neither teachers in Government-run schools nor petitioners in Writ Petition (Civil) No. 132 of 2016, cannot, therefore, claim the benefit of the order dated 7th March, 2025. It would not be appropriate for this Court to enlarge the scope of the said order so as to bring within its ambit the applicants or other teachers serving in private organizations.

In view of the above observations, the application being CAN 5 of 2025 is, thus, dismissed.

In Re : WPA 20955 of 2021

List this matter for further consideration on 6th
November, 2025 to be taken up at 2:00P.M.

(Partha Sarathi Chatterjee, J.)