

16.12.2020  
SL No.42  
Court No.12  
(gc)

**MAT 762 of 2020**  
**With**  
**CAN 1 of 2020**  
**With**  
**CAN 2 of 2020**  
**With**  
**CAN 3 of 2020**

**Dr. B.R. Ambedkar College (B.Ed. Section) & Ors.**  
**Vs.**  
**National Council for Teacher Education & Ors.**

**(Via Video Conference)**

Mr. Jaydeep Kar, Sr. Adv.,  
Mr. Arindam Banerjee,  
Mrs. Arpita Saha,  
Mr. Subhajit Chatterjee  
...for the appellants.  
Mr. Souvik Nandy,  
...for the N.C.T.E.  
Mr. Amitava Chaudhuri,  
Mr. M. Chaudhuri,  
Mr. P.Roy,  
Mr. Nirmalya Roy,  
...for the University.  
Mr. Sachindranath Mishra,  
...for the Intervenor in CAN 3 of  
2020.  
Mr. Kamalesh Bhattacharya, Sr.Adv.,  
Mr. Aninda Bhattacharya,  
Mr. Biswaroop Bhattacharya,  
Mr. Pratik Majumdar,  
...for the Intervenors.

By consent of the parties, the appeal and the connected applications are taken up for hearing and disposed of by this common order.

The appeal is arising out of an order dated 17<sup>th</sup> November, 2020 in which the interim order prayed for in the application being CAN 8 of 2020 was refused on the ground that there exists a serious dispute pertaining to administration of the said college. The learned Single Judge

has also recorded that the writ petition preferred by one Sk. Sabir Ali challenging the authenticity of the Fire Safety Certificate is still pending. It seems that the learned Single Judge was influenced by the consideration that if any student is admitted in the Academic Session 2020-2021 would have the effect of keeping the sword of Damocles hanging over the students, who may apply and may be admitted in the said academic session.

We have heard the learned Counsel for the parties including the applicants who have filed their application for addition of party. Although we are not inclined to add the applicants as parties but for a fair consideration of the issue, we allow the Advocates appearing for all the parties to make their submissions. We wanted to know from the learned Counsel for the parties as to whether they have disputed the authenticity of the Fire Safety Certificate. The learned Counsel for the parties, however, have candidly submitted that the authenticity of the said certificate is not under challenge but the manner in which it is obtained is under challenge. We feel that what is important for the purpose of affiliation is whether there exists a genuine Fire Safety Certificate. In fact, the earlier Division Bench has given liberty to the Regional Director, National Council for Teacher Education, Eastern Regional Committee to verify the authenticity of the Fire Safety Certificate dated 10<sup>th</sup> September, 2019 from the Director General, West Bengal Fire and Emergency Services for satisfaction and Mr. Souvik

Nandy, learned Counsel appearing for the NCTE has submitted that the said authority has no reservation with regard to the authenticity of the said certificate.

The order for de-affiliation was passed due to non-furnishing of the Fire Safety Certificate. In view of the fact that the authenticity of the Fire Safety Certificate is not in dispute, we feel that NCTE cannot prevent the appellants from taking admission from the Academic Session 2020-2021 subject to fulfilment of other conditions. However, for the present we are concerned with the legality of the order dated 1<sup>st</sup> February, 2020 issued by the NCTE.

On such consideration, the decision of the NCTE dated 1<sup>st</sup> February, 2020 is set aside. We must, however, record that the learned Single Judge did not have the occasion to consider the submission of the parties with regard to the authenticity of the documents. While we uphold that the document is authentic, the manner of obtaining the same is not gone into and decided in this appeal as we feel that it is not necessary for deciding the action of the NCTE in terms of the impugned Memo dated 1<sup>st</sup> February, 2020. It is suffice to mention that the decision of the NCTE earlier as well as the present one is based on the challenge being thrown to the Fire Safety Certificate dated 10<sup>th</sup> September, 2019.

Our attention is drawn by Mr. Amitava Chaudhuri, learned Counsel appearing on behalf of the West Bengal University of Teachers' Training, Education Planning and

Administration that the last date of submission of data for online affiliation has been extended to 7<sup>th</sup> October, 2020.

We make it clear that this order shall not be construed as extension of time after submission of data for online affiliation. All other issues are left open to be decided in the pending writ petition.

Accordingly, the appeal being MAT 762 of 2020 along with the applications being CAN 1 of 2020, CAN 2 of 2020 and CAN 3 of 2020 are disposed of.

All parties are to act on a website copy of this order on the usual undertaking.

**(Saugata Bhattacharyya, J.)**

**(Soumen Sen, J.)**