

Court No. 24

22.09.2021

(Item No. 9)

(SB)

WPA 5686 of 2021

SRI ABANTI KUMAR PAL & ORS.

VS

THE UNION OF INDIA & ORS.

Mr. Uday Chandra Jha
Ms. Maheswari Sharma
Ms. Tulika Roy

..... For the petitioners

Mr. Subir Sanyal
Mr. Shamba Chakraborty
Mr. Pawan Kumar Gupta
Mr. A. Tarafdar

..... For respondent Nos. 9 to 13

Mr. Santanu Sett

.... For Respondent No. 14

Mr. Amitava Chaudhuri
Mr. Nirmalya Roy

..... For the University

Mr. Sauvik Nandy

... For NCTE

The petitioners have approached this Court praying for a direction upon NCTE to rescind and/or withdraw the decision in accepting the change of the management of A.S.P. College of Education.

The case of the petitioner is that the change was effected relying on forged, fraudulent and manufactured documents.

It appears from the submissions made on behalf of the parties that there is a dispute with regard to the management of the College. Certain documents have been annexed to show that the petitioners tendered their resignations and those letters of resignation were forwarded to NCTE for the

purpose of effecting the change in the records maintained by NCTE. NCTE without verifying the veracity of the documents effected the change.

A complaint has been filed before the police and a criminal proceeding is pending. It is submitted that a civil suit is also pending between the parties.

The learned advocate representing NCTE submits that as there is no procedure laid down in law relating to recording of the change in management of an institution in their records, it can be taken that there is no prohibition in recording the change in management. NCTE acted on the basis of the documents that were forwarded on behalf of the College.

Whether the documents relied upon by NCTE for the purpose of effecting the change was fraudulent or not has to be decided by the competent Court in the pending proceeding.

At this stage, it is not open for the Writ Court to issue a writ of mandamus for rescinding the change that has been effected by NCTE relying upon documents being forwarded by the College.

In view of the above, no relief can be granted to the petitioner in the instant case.

The parties will be at liberty to ventilate their grievances before the appropriate forum.

In the event, the petitioners are successful in establishing the fact that the documents in question relied upon by NCTE was indeed fraudulent, then NCTE shall take necessary steps in the matter in terms of the order passed by the competent Court of law.

W.P.A. 5686 of 2021 stands dismissed.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Amrita Sinha, J.)