

29.06.2021

BP
Sl. 8
Court No. 15.

WPA 7451 of 2021
(Via Video Conference)

Renubala College of Education & Anr.
Vs.
The National Council for Teacher
Education & Ors.

Mr. Arabinda Chatterjee, Sr. Adv.
Mr. Arkadipta Sengupta
..for the petitioners.

Mr. Sauvik Nandy
..for NCTE.

The grievance of the writ petitioners is that neither they received the show cause notice dated 18th March, 2017 nor they received the decision of National Council for Teacher Education (NCTE) dated 29th December, 2017 being annexure P-5 at page 81 to the writ application for the purpose of opening one college for D.El.Ed. and B.Ed. courses which is known as composite college in the parlance of NCTE. The prayer of the writ petitioners is that as they were completely in the dark about the show cause notice and the consequential decision thereon, they could not be able to take any step although they have candidly submitted that the decision of not granting the recognition received by them in March, 2020 when actually the

pandemic started.

However, in my view, they have made a little delay but that cannot be fatal for the petitioners considering the pandemic situation.

Learned advocate for the petitioners submits that they should be given an opportunity to reply the show cause notice dated 18th March, 2017 so that the matter can be considered afresh for granting recognition to the concerned institution.

Learned advocate for the National Council for Teacher Education submits that for the interest of justice, NCTE may be directed to reconsider the case by allowing the petitioners for replying the said show cause notice. He further submits that this show cause notice had already been communicated to the petitioners via e-mail on 18th March, 2017.

Considering the submissions of the respective parties, I think that the pandemic situation is to be taken note of in the facts and circumstances towards not taking any step by the petitioners in respect of the show cause notice and the order of not granting approval. Therefore, I pass the following order:-

- (i) The letter dated 29th December, 2017 intimating about the rejection of the application of Renubala College of Education, Maldah, West Bengal is hereby

set aside.

- (ii) The petitioners are granted four weeks time to file the reply to the show cause notice dated 18th March, 2017 to NCTE which the NCTE shall consider afresh by taking a reasoned decision as expeditiously as possible and shall communicate to the petitioners the same immediately after taking such decision.

Since affidavit-in-opposition has not been called for, the allegations made against NCTE are deemed to have been denied.

With the above observations, this writ application is disposed of.

(Abhijit Gangopadhyay, J.)

