

**27.09.2021**  
**Srimanta**  
**Sl. No. 05**  
**Ct. No. 05**

***WPA/10758/2021***  
***[Via Video Conference]***

***Mahadeb Das***  
***-Vs.-***  
***The State of West Bengal & Ors.***

Mr. Ekramul Bari, Adv.,  
Syed Mansur Ali, Adv.,  
Sk. Imtiaj Uddin, Adv.

...for the petitioner.

Mrs. Koyeli Bhattacharyya, Adv.

...for the W.B.B.S.E.

Writ petitioner is an Assistant Teacher in a Government aided recognized High School, namely, Narhatta Gopeswar Satiar High School (H.S.), Malda (in short, the said school) and the petitioner joined the Institution on 3<sup>rd</sup> December, 2015 by transfer on special ground. At present, writ petitioner intends to undergo part time Ph.D. Coursework Programme (6 months) under Cooch Behar Panchanan Barma University, Cooch Behar. In order to avail of opportunity of undergoing the said Coursework writ petitioner approached the President of the West Bengal Board of Secondary Education as well as the District Inspector of Schools (SE), Malda and the Administrator of the said School for 'No Objection'. During pendency of such application before the Authorities concerned writ petitioner received one letter from the West Bengal Board of Secondary Education in response to one R.T.I. application made by the writ petitioner on 4<sup>th</sup> March, 2021, vide Memo dated 8<sup>th</sup> April, 2021 whereby it was informed to the writ petitioner that application under Rule 4 (23) of the West Bengal Board of Secondary Education

(Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018 needs to be followed.

The grievance of the writ petitioner is that the last date of submission of No Objection Certificate before the University is 30<sup>th</sup> September, 2021 but till date the requisite 'No Objection' has not yet been received by him from the said School Authority. It has been further submitted by Mr. Ekramul Bari, learned Counsel representing the writ petitioner that already the Managing Committee of the said School by adopting resolution dated 22<sup>nd</sup> January, 2021 made necessary recommendation in favour of the writ petitioner for obtaining 'No Objection' from the West Bengal Board of Secondary Education. Therefore, it has been submitted that since already favourable recommendation has been made by the said School Authority there cannot be any impediment in granting 'No Objection' to the writ petitioner by the said School Authority in terms of said Rule 4(23) of the Rules of 2018.

The West Bengal Board of Secondary Education is represented by Mrs. Koyeli Bhattacharyya, learned Advocate. No one represents the School Authority of Narhatta Gopeswar Satiar High School (HS), Malda in spite of notice of the writ petition which has duly been served upon the Headmaster as well as Administrator of the said School on 24<sup>th</sup> September, 2021 and 23<sup>rd</sup> September, 2021 respectively in terms of the previous order of this Hon'ble Court dated 22<sup>nd</sup> September, 2021 wherein it was specifically observed by this Court that this Court desires to hear the said School Authorities being respondent nos. 4 and 5.

Considering the submissions made on behalf of the writ petitioner in support of the case made out

that since the petitioner has already been selected for undergoing said Ph.D. Coursework Programme for which last date of submission of 'No objection' is 30<sup>th</sup> September, 2021 and absence of requisite 'No Objection' from the said School Authority in terms of said Rule 4(23) may seal the fate of the writ petitioner in the matter of undergoing the said Coursework Programme, this Court also finds on perusal of the Managing Committee resolution dated 22<sup>nd</sup> January, 2021 that there has been favourable recommendation in favour of the writ petitioner permitting him to take further step for obtainment of 'No Objection' from appropriate Authorities; therefore, the Administrator of Narhatta Gopeswar Satiar High School (HS), Malda is directed to issue requisite 'No Objection' in favour of the writ petitioner within a period of 48 hours from the date of communication of this order thereby permitting the writ petitioner to undergo said Ph.D. Coursework Programme under Cooch Behar Panchanan Barma University, Cooch Behar. This order has been passed by this Court considering the last date (30<sup>th</sup> September, 2021) of submission of No Objection Certificate before the said University.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

**(Saugata Bhattacharyya, J.)**