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17.09.2021.
d.p.

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**W.P.A 11618 of 2021
(Via Video Conference)**

**Pravas Kumar Mondal
-versus
The State of West Bengal & Ors.**

**Mr. K.M.Hossain,
Mr. Jayed Hossain.
...For the Petitioner.**

**Mr. Swapan Kumar Dutta,
Mr. Rajat Dutta.
...For the State.**

**Mr. Sauvik Nandy.
...For the NCTE.**

**Mr. Amitava Chaudhuri,
Ms. M. Chaudhuri,
Mr. N. Roy.
...For the University.**

**Mr. Vivekananda Bose,
Ms. Deblina Chattaraj.
...For the Respondent
Nos. 5 to 8.**

The petitioner was serving as the Assistant Professor of Balurghat B.Ed. College. His service was contractual in nature, extended on yearly basis.

The petitioner tendered his resignation from service on 15th February, 2016 wherein it is specifically mentioned that he got a better chance in another college. Thereafter, the petitioner again returned to the Institution with a prayer for re-engagement on humanitarian grounds.

The Governing Body of the College brought to the knowledge of the petitioner about the office circular which mentioned that teachers who are not qualified as per the NCTE norms are requested either to furnish fresh certificate of enhanced qualification suited with the NCTE norms or to submit resignation letter.

The petitioner was given a chance to upgrade himself. The petitioner failed to enhance his qualification. The qualification which the petitioner relied upon is not in accordance with the NCTE norms.

The service of the petitioner was lastly extended till 30th June, 2020 and it was specifically mentioned that no further renewal will be granted as he could not satisfy the NCTE norms.

The petitioner submits that as he was in service from 2013, the NCTE norms which came into effect thereafter ought not to have any retrospective operation in respect of the service of the petitioner.

The learned advocate appearing for the College has filed a report wherein it has been specifically mentioned that all the teachers were intimated about enhancing their qualifications in line with the NCTE norms.

The petitioner in the writ petition suppressed about his resignation.

It has been submitted that the remuneration of the petitioner till 30th June, 2020 has been disbursed in his favour as his contract was not extended beyond 30th June, 2020. Accordingly, the question of payment of further remuneration does not arise at all.

The learned senior advocate appearing for the State respondents submits that since the petitioner is a contractual employee any dispute arising out of the contract will be in the realm of a private dispute and the same ought not to be decided by the Court under Article 226 of the Constitution of India.

After hearing the submissions of the parties and after perusal of the records produced before this Court, it appears that the petitioner has suppressed the fact of submitting resignation in the College in the year 2016.

As the petitioner could not get himself engaged in any other college, he returned to his old Institution with a prayer for re-engagement. The College on humanitarian grounds engaged the petitioner with a condition that he ought to upgrade himself in accordance with the NCTE norms. The petitioner failed to do so. His contract was extended only upto 30th June, 2020 and all remuneration for the period during which the contract was subsisting has been cleared by the College.

The petitioner at this stage again seeks for issuance of a writ of Mandamus of re-engaging himself in the College. It is upto the College authority whether to engage a candidate who does not have the requisite qualification. The College has thought it fit not to engage the candidate as he did not possess the requisite qualification.

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

The writ petition fails and is hereby dismissed.

Exception to the report filed by the petitioner in Court today is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)