

31.08.2021
S.L-1
s.b
ct. no. 5

WPA 13457 of 2007
(via video conference)

Bengal Institute for Educational Studies
-Vs-
The State of West Bengal & ors.

Mr. Biswaroop Bhattacharjee ...For the Petitioner

Mr. Soumya Sankar Chini ...For the Respondent no. 4

This is a writ petition where an institute namely Bengal Institute for Educational Studies is the sole petitioner praying for direction to be made upon the concerned authorities of the West Bengal Board of Primary Education being the Respondent nos. 2 and 3 herein to issue admit card in favour of the 62 students who are prosecuting their studies in Diploma in Elementary Education course (for short D.El.Ed) for the sessions 2019-2021.

Mr. Biswaroop Bhattacharjee, learned counsel for the petitioner representing the institute has mentioned this matter today, i.e. 31st August, 2021 in the morning for hearing of this writ petition out of turn, considering the urgency since the academic interest of the students is involved. Taking note of the urgency, the court has been pleased to fix the matter for hearing out of turn at 12 noon and directed the learned Advocate-on-record of the writ petitioner to serve notices upon the respondents. Accordingly, the matter has been taken up today at 12 noon when Mr. Bhattacharjee, learned counsel for the petitioner prays for further accommodation for completing service of notice of the writ petition upon the respondents and to take up the matter today at 2 P.M. Acceding the

request of Mr. Bhattacharjee, the matter has been further fixed at 2 P.M. for consideration and passing interim order. Ultimately, the matter is taken up at 2 P.M. when the West Bengal Board of Primary Education as well as the state respondents are not represented but the respondent no. 4 claims to be the teacher-in-charge of the writ petitioner-College prays for accommodation since the hard copy of the writ petition has not been served upon the said respondent no. 4.

However, considering the urgency voiced before this court today on behalf of the writ petitioner, the matter is taken up for hearing.

During course of submission, writ petitioner has placed reliance on notice dated 3rd August, 2021, Annexure P-1 of the writ petition, which indicates the schedule of D.El.Ed examination as well as the formalities which are required to be completed for issuance of admit card. It appears from the said notice that upon online submission of filled-in forms, the time was fixed for issuing admit cards from 18th August, 2021 to 25th August, 2021. It has been submitted on behalf of the petitioner that though there was online submission of forms as per the said notice dated 3rd August, 2021 but the admit cards in favour of those 62 students were not issued within the specified time as per the said notice dated 3rd August, 2021.

Mr. S.S.Chini, learned advocate appears for the respondent no. 4 relies on paragraph-8 of the writ petition. From paragraph-8, it further appears that the pleading has been made by the writ petitioner that admit cards of those 62 students were handed over to the respondent no. 4 physically, as per information gathered by the writ petitioner but the date of receiving of such information has not been spelt out in the writ petition.

In the absence of the necessary particulars relating to date of receiving such information, when the admit

cards were handed over physically to the respondent no. 4 by the concerned authority of the West Bengal Board of Primary Education, the court is not inclined at this stage, just less than 24 hours before commencement of the said D.El.Ed examination to give necessary direction, as prayed for by the petitioner for issuance of admit cards to the 62 students and make consequential arrangements for permitting the students of the petitioner-college to participate in the D.El.Ed examination scheduled to be held on and from 1st September, 2021.

However it is made clear that if students of writ petitioner-college are given admit cards through the respondent no. 4 this order shall not prevent them from participating in D.El.Ed examination.

In view of the above conspectus, this writ petition stands dismissed.

However, there shall be no order as to costs.

When this order is being dictated, the notice of the writ petition dated 31st August, 2021 showing receipt of the said notice by the West Bengal Board of Primary Education is handed over to the officer of this court, which is taken on record.

All the parties are to act on the server copy of this order duly downloaded from official website of this court.

(Saugata Bhattacharyya, J.)