

22nd December, 2021
(D/L No.13)
(SKB)

WPA 20572 of 2021
(Via Video Conference)

Kabi Guru College of Education and another
Vs.
Union of India and others

Mr. Soumya Majumder,
Mr. Amitabrata Roy,
Mr. Pradip Kumar Ghosh
... for the petitioners.

Mr. Swapan Kumar Datta,
Mr. Tapas Kumar Mandal
... for the State.

Mr. Debashis Saha,
Ms. Dipika Basu
... for the U.O.I.

Affidavit of service filed in Court today is taken on record.

The grievance of the petitioners arises out of the effect of two orders passed by the Eastern Regional Committee of the National Council for Teacher Education (in short 'N.C.T.E.') dated 24th July, 2020 and of the N.C.T.E. Appellate Authority dated 26th November, 2021.

By the first order, the B.Ed. course offered by the petitioner no.1 was withdrawn from the academic session 2021-2022 and by the second order, the Appellate Authority set aside the order of withdrawal of the Eastern Regional Committee and remanded the

matter to the Eastern Regional Committee for revisiting the issue.

The petitioner no.1 thereafter made a representation to the Regional Director, Eastern Regional Committee, N.C.T.E, on 30th November, 2021 which has not been responded to till date.

Learned counsel appearing for the petitioners submits that while the representation is pending consideration, the last date for admitting students to the B.Ed. course is 27th December, 2021 and the petitioner no.1 is facing serious prejudice.

The State and the Union of India are represented.

Upon hearing learned counsel and considering the material on record, this court is of the view that after the order of withdrawal of the first forum was set aside by the Appellate Forum of the N.C.T.E. on 26th November, 2021, nothing remains to be decided or revisited by the Eastern Regional Committee. The Appellate Forum has considered all the relevant facts of the matter in its order and there is no further scope for any interpretation of the factual or legal context. No doubt the petitioner no.1 is facing serious prejudice. On the one hand, the matter has been sent back to the Eastern Regional Committee and on the other hand, the Eastern Regional Committee has remained silent to the representation sent by the petitioner no.1 on 30th November, 2021. The

admission of students for the relevant post has begun and is due to end within five days from today.

In view of the above facts, W.P.A.20572 of 2021 is disposed of with a direction to the respondent no.8 being the Registrar, West Bengal University of Teachers' Training, Education Planning and Administration, to permit the petitioner no.1 to admit students to the B.Ed. course for the academic year 2021-2023 without any further delay. Needless to say, the permission granted by the court is on the presumption that the petitioner no.1 has fulfilled all conditions for being eligible to admit students for the particular course in the academic session stated in the order.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Moushumi Bhattacharya, J.)