

04.10.2021
SL No. 27
Court No. 24
(P.M.)

WPA 20273 of 2018

Rabindra Nath Sen
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Kushal Pane,
Mr. Ramkrishna Saha
... for the petitioner

Mr. Monish Sen
... for the College

Ms. Sima Adhikari,
Ms. Kakali Naskar
... for the State

The petitioner is a member of the Governing Body of Nistarini College. According to him, the Governing Body resolutions are not being properly recorded.

The petitioner prays for a direction upon the Governing body to record the resolution of the meetings and forward the same to all the members of the Governing Body.

The learned advocate representing the College submits, upon instructions, that each and every resolution of the meeting of the Governing Body is duly recorded and supplied to all the members of the Governing Body.

It has been disputed that the Governing Body does not record its resolutions. It has also been disputed that the Minutes of the meeting are not circulated amongst all the members of the Governing Body.

The learned advocate representing the Director of Public Instruction submits, upon instructions, that it is for

the petitioner to prove that the College is not maintaining records of the resolutions of the Governing Body.

After hearing the submissions made on behalf of all the parties it appears that the petitioner being a member of the Governing Body has a dispute with all the other members of the Governing Body. The dispute between the members of the Governing Body is not to be resolved before the writ court under Article 226 of the Constitution of India.

The College has disputed the allegation put forth by the petitioner. This forum ought not to be exercised for the purpose of settling private disputes between the members of the Governing Body of a College.

There are several disputed questions of fact involved. The writ court under Article 226 of the Constitution of India is not the appropriate forum for resolution of the disputes of the parties.

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.

The instruction given by the Director of Public Instruction 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.)