

10.03.2022
sayandeep
Sl. No. 06
Ct. No. 05

WPA 1633 of 2022

Dr. Subhash Chandra Nandi
-Versus-
The State of West Bengal & Ors.

Ms. Pampa Dey(Dhabal)

..... for the petitioner

Mr. Swapan Kr. Datta

Mr. Tapas Kr. Dey

..... for the State

Mr. Lutful Haque

... for the respondent No. 7

The maintainability point is decided against the petitioner. The respondent No. 7 is a Public Charitable Trust. Moreover, paragraph 2 of the writ petition describes that the respondent No. 7 as a “Self financed college”. There is no evidence on record to show that the respondent No. 7 is an authority under Article 12 or under Article 226 of the Constitution of India. The Brochure handed over by learned counsel appearing for the petitioner for the B.Ed. and D.EL.ED. programs of the respondent No. 7 do not show that the respondent No. 7 is an authority which is amenable to any of the five writs under Article 226 of the Constitution of India. *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust and Ors, vs. V.R. Rudani and Ors*; (1989)2 SCC 691, relied upon by learned counsel appearing for the petitioner is of no assistance on the maintainability argument since in

the said decision, the Supreme Court made it clear that Article 226 would lie only against certain entities including a statutory body. The respondent No. 7 is not a statutory authority and hence does not come within the entities described in *Andi Mukta Sadguru Shree Muktajee Vandas Swami Suvarna Jayanti Mahotsav Smarak Trust* case.

By reason of the above, this Court is not persuaded to hold that the writ petition is maintainable against the respondent No. 7 and is accordingly dismissed without any order as to costs.

Needless to say, the petitioner shall be at liberty of approaching the appropriate forum for relief.

(Moushumi Bhattacharya, J.)