

Court No. 22
21.11.2022
(Item No. 21)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 22633 of 2022

Nandalal Ghosh B.T. College & Anr.
VS
The State of West Bengal & Ors

Mr. Dibyendu Chatterjee
Mr. Pritam Majumdar
.... For the petitioners
Mr. Supriyo Chattopadhyay
Mr. Arindam Chattopadhyay
.... For the State
Mr. Sauvik Nandy
.... For NCTE/respondent Nos. 2,3,4
Mr. Amitabrata Ray
Mr. Pradip Kumar Ghosh
.... For respondent No. 7

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

Mr. Pritam Majumdar, learned counsel appearing for the writ petitioners at the outset submits that, on instruction, the writ petitioners shall not seek any relief against the respondent No. 7 and accordingly the name of the respondent No. 7 be directed to be deleted from the array of respondents.

In view of such submission, the learned advocate on record for the writ petitioners shall delete the name of the respondent No. 7 from the cause title and the array of the respondents by putting his signature on the original record and the same shall be countersigned by the Assistant Court Officer of this Court in course of the day and subject to that this order will become effective.

The process of withdrawal of recognition of the petitioners/College was initiated through a show cause notice dated April 20, 2018, **Annexure P-5** to the writ petition. Mr. Pritam Majumdar, learned counsel for the writ petitioners submits that, in terms of the show cause the petitioners duly had submitted reply and necessary explanation thereto, though the respondent No. 2 as it appears from the minute of its **274th meeting** of the **Eastern Regional Committee** held on **15th - 16th July, 2019**, **Annexure P-7** to the writ petition that no reply was received and the stipulated time was already over. The Eastern Regional Committee thereafter passed the order of withdrawal of recognition dated August 20, 2019, **Annexure P-9** to the writ petition. The learned counsel for the writ petitioners submits that, the petitioners preferred the statutory appeal before the appellate authority on August 5, 2019, **Annexure P-8** to the writ petition and the appellate authority remanded back the matter before the Eastern Regional Committee and directed the issue afresh.

Mr. Souvik Nandy, learned counsel appearing for the respondent Nos. 2, 3 and 4 submits that, subsequently the Eastern Regional Committee had issued a further show cause notice dated March 2, 2020. Following the said show cause notice Eastern Regional Committee ultimately issued a final show cause notice dated September 15, 2020. It is

submitted that, no reply was made thereto by the petitioners. Ultimately the Eastern Regional Committee issued the necessary order for withdrawal of recognition dated February 25, 2021, **Annexure P-13** to the writ petition.

From the **prayer A** to this writ petition it appears that, the said order the Eastern Regional Committee is under challenge in this writ petition.

After considering the submissions made on behalf of the parties and upon perusal of materials on record it appears that, under **Rule 10** of the **National Council for Teacher Education Rules, 1997** a Statutory Appeal Forum is available. In terms of the said Rule, the necessary appeal was to be filed within sixty days. However, provision has also been made upon showing sufficient cause, such period may be extended at the discretion of the appellate authority in exercise of its discretion and jurisdiction.

After considering the rival contentions and the materials on record, it appears to this Court that, to adjudicate upon the said impugned order dated February 25, 2021 **Annexure P-13** to the writ petition several fact finding enquiries need to be made. Such is definitely not the job of the writ Court when there is a Statutory Appellate Forum is available. The petitioner must exhaust the statutory remedy first in accordance with law.

With the above observation, this writ petition being **WPA 22633 of 2022** stands dismissed particularly on the ground of availability of alternative remedy and not on merit.

It is made clear that, this Court has not gone into the merits of the claim of the petitioners in any manner.

There shall, however, be no order as to costs.

(Aniruddha Roy, J.)