

06.
17.05.2022
S.D.

**W.P.A. 24541 of 2010
With
CAN 10661 of 2010**

**The Organizing Managing Committee
Kendua Rakshakali Vidyamandir & Ors.
Vs.**

The West Bengal Board of Secondary Education & Ors.

Mr. Chittapriya Ghosh
Mr. Samir Kumar Adhikari
Ms. Priyanka Saha

... For the Petitioners.

Ms. Chaitali Bhattacharya, Sr. Govt. Adv.,
Mr. Mrinal Kanti Ghosh

..For the State.

Ms. Koyeli Bhattacharyya

...For the West Bengal Board
of Secondary Education.

The application being CAN 10661 of 2010 be treated on
day's list.

This writ petition pertains to grant of recognition to
Kendua Rakshakali Vidyamandir (hereinafter referred to as
the "said school"), District – Birbhum.

Mr. Chittapriya Ghosh, learned advocate representing
the petitioners submits that as on date along with the writ
petition one application being CAN 10661 of 2010 is pending.

In the application, the order passed by the Secretary,
West Bengal Board of Secondary Education has been brought

on record wherefrom it appears that considering the view expressed by the Recognition Committee of the Board, the Executive Committee of the Board ratified such view of the Recognition Committee. As a result thereof, grant of recognition in favour of the said school has been turned down. This Court on perusal of such decision of the Board as contained in the Memo dated 17.7.2008 found that due to certain infrastructural deficiencies, the authorities of the Board refused to grant recognition in favour of the said school. Since such decision was taken far back on 26th June, 2008, this Court on the previous occasion found it fit to direct the concerned District Inspector of School (S.E.), Birbhum to make sudden inspection without notice to the Organizing Managing Committee of the said school and submit a report in a sealed cover before this Court.

Today, pursuant to the previous direction passed by this Court on 18.4.2022, an inspection report has been placed vide Memo No. 48/L/S dated 29.4.2022 in a sealed cover. This Court has perused such inspection report and found that the inspection as per order of this Court dated 18.4.2022 was carried out on 29.4.2022. Based on such inspection, the report has been prepared by the concerned District Inspector of Schools wherefrom it appears that there are certain

infrastructural deficiencies with regard to the building of the school and it has also been stated that the school at present is non-functional and there are no students and no teachers and on the date of inspection nobody was found on behalf of the Organizing Managing Committee. Such inspection report dated 29.4.2022 is taken on record.

In view of such report filed by the concerned District Inspector of Schools, the prayer made on behalf of the petitioners for grant of recognition of the said school cannot be considered at present on deciding the legality and validity of the Memo dated 17.7.2008 issued on behalf of the Board spurning the prayer of the said school authority to grant recognition.

Accordingly, the writ petition and the connected application being CAN 10661 of 2010 stand dismissed.

However, this order shall not preclude the Organizing Managing Committee to provide necessary infrastructure in terms of the relevant norms and to make further prayer before the concerned respondent authority for reconsideration of the prayer for grant of recognition in future.

After the order has been dictated, Mr. Ghosh has prayed for supply of the copy of the report and accordingly

Ms. Chaitali Bhattacharyya, learned senior Government Advocate is directed to supply copy of such report dated 29.4.2022 to the learned advocate of the writ petitioner by 20.5.2022.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)