

Item No.1

**In The High Court At Calcutta
Circuit Bench at Jalpaiguri
Constitutional Writ Jurisdiction
(Appellate Side)
(via video conference)**

31.01.2022
Ct-24

WPA 50 of 2022

Asmat Hossain

v.

The State of West Bengal & Ors.

Mr. Sakti Pada Jana

Mr. Debajit Kundu

... for the petitioners.

Mr. Amalesh Roy

Ms. Mousumi Bhowal

... for the Council.

Mr. Subir Kumar Saha

Mr. M. Rahaman

... for the State respondents.

The petitioner has been appointed as a primary school teacher by the District Primary School Council, Cooch Behar on February 18, 2021.

He participated in the selection for taking admission in the Ph.D Course, 2021 under the Cooch Behar Panchanan Barma University. The result was published on November 24, 2021 and he qualified in the said admission test.

One of the conditions for Ph.D registration of the said University is that NOC (No objection Certificate) as

per annexure has to be obtained for the candidates who are employed.

The petitioner, being a teacher of a primary school, made an application, through proper channel, for obtaining NOC from the Chairman, Cooch Behar District Primary School Council by a representation dated December 20, 2021. The application was forwarded by the Sub-Inspector of Schools, Mekhliganj South Circle on December 20, 2021.

The grievance of the petitioner is that the Chairman of the Council is yet to take a decision with regard to the application made by him for grant of NOC for pursuing his Ph.D in part-time mode.

The petitioner has categorically mentioned in his application that he will complete the Ph.D course in part-time mode without hampering his duties as assistant teacher. The petitioner has further declared that he will not claim any monetary benefit of higher scale of pay for obtaining his Ph.D degree.

As it appears that the application made by the petitioner is pending consideration at the end of the Chairman of the Council, accordingly, the instant writ petition is disposed of by directing the respondent no. 3 to take a decision with regard to the application made by the petitioner strictly in accordance with law, at the

earliest, but positively within a period of two weeks from the date of communication of a copy of this order.

The said respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

If the Chairman is of the opinion that NOC may be issued in favour of the petitioner, then necessary steps shall be taken for immediate issuance of the NOC in his favour so that the petitioner can take admission in the Ph.D course in the current session.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

Sh

(Amrita Sinha, J.)