

Court No.
30.3.2023

(Item No. 32)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 6846 of 2023

Pratichi & Anr.
VS

The National Council for Teacher Education & Ors.

Mr. Jaydip Kar
Mr. Soumya Majumder
Mr. Amitabrata Roy
Mr. Arkadipta Sengupta
.... For the petitioners
Mr. Sauvik Nandy
... For NCTE

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

The petitioners contended that they run a B.Ed
and D.El.Ed institute at and from Uttar Dinajpur.
The petitioners run its institute under the name and
style **Pratichi** which is a recognized institute by the
respondent No. 1. The petitioners intended to
increase its students strength for the **B.Ed.** Course by
increasing its intake capacity. For such purpose
permission was required from respondent No. 1.

Mr. Jaydip Kar, learned senior counsel being
ably assisted by Mr. Soumya Majumder, learned
counsel appearing for the writ petitioners submitted
that, by virtue of a decision taken by the respondent
No. 1, the filing of online application seeking such
permission stood closed and as a result the
petitioners were and are not in a position even to

make a representation seeking enhancement of its intake capacity of students at the institution strictly in accordance with law. Referring to **Annexure P-2** at **page 48** to the writ petition, Mr. Kar, learned senior counsel submitted that, the initial recognition was already granted to the petitioners. Referring to **Annexure P-7** at **page 74** to the writ petition which is a recognition order dated **August 13, 2001**, Mr. Kar, learned senior counsel submitted that, fresh recognition had been given to another institute, though pursuant to an order of Court, for its establishment to impart the said course. He submitted that, the moment such recognition is granted to a new institution, it is implied that automatically the strength of students will increase for imparting education for the said B.Ed. course. Therefore the decision of the respondent No. 1 not to allow for further intake of students to the petitioners considering the ratio of the B.Ed qualified Teachers is not tenable in law.

Mr. Souvik Nandy, learned counsel appearing for respondent No. 1 submitted that, the respondent No. 1 in its **55th General Body Meeting** held on **July 14, 2022** duly decided that no further recognition shall be granted unless the existing educational policy is upgraded by adopting the new educational policy 2020. Mr. Nandy, learned counsel submitted that, for

this reason the entire online portal is now suspended and no new application could be entertained, which is mandatorily to be entertained through online mode.

Considering the rival contentions of the parties and considering the materials on record, it appeared to this Court that the respondent No. 1 is an expert body who had adopted a policy decision as submitted by Mr. Nandy recorded above. It is not the case of the petitioner that such policy decision is tainted with malice or fraud. However, from the prayer of the writ petition it appeared to this Court that, the reliefs claimed by the petitioner are no way connected with any challenge to such policy decision rather for consideration of the representation of the petitioner on its claim simplicitor.

In the premises above, this Court is of the firm view that, if the case of the petitioner to the extent for consideration of its representation is directed strictly in accordance with law in the light of the prevailing Rules and Regulations by the appropriate authority of the respondent No. 1 none shall suffer any prejudice. The respondent No. 1, through its appropriate authority shall be free to decide the issue strictly in accordance with law.

Thus, to sub-serve justice, the petitioners shall be at liberty to submit a written representation **restricting its claim for additional intake of**

students to impart B.Ed course before the respondent No. 1 within a period of two weeks from date, off-line.

In the event, such representation is submitted by the petitioners off-line, the respondent No. 1 through its appropriate authority shall give a seven days prior hearing notice to the petitioners and after hearing them on such representation shall decide the issue by passing a reasoned order in accordance with law.

The entire exercise as directed above shall be carried out and completed by the respondent no. 1 through its appropriate authority positively within a period of six weeks from the date of receipt of such representation to be furnished by the petitioners.

The respondent no. 1 shall then communicate its reasoned decision to the petitioners within a further period of one week from the date of the reasoned order to be passed.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

It is made clear that, this Court has not gone into the merit of the claim of the petitioner in any manner. The petitioners shall be at liberty to urge whatever points they wish to urge relying upon whatever documents and records they wish to rely

upon before the respondent no. 1 but **restricted to the increase of its strength of intake of students to impart B.Ed course and not beyond that.**

It is further made clear that, this order shall not create any equity or right in favour of the petitioners, if the petitioner is not otherwise eligible to receive their claim strictly in accordance with law.

On the above terms, this writ petition being **WPA 6846 of 2023** stands disposed of.

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

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)