

01.05.2023

Item No.1

Ct. No.1

PG/KS

W.P.A.(P) 112 of 2021

Private Tutors' Welfare Association & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Ekramul Bari

Sk. Imtiaj Uddin

.....for the Petitioners

Mr. Samrat Sen, Ld. A.A.A.G.

Md. T. M. Siddique

Mr. Nilotpal Chatterjee

Mr. Avishek Prasad

.....for the State

1. By this public interest litigation, the petitioners seek for a direction upon the authorities, more particularly the 3rd and 4th respondents to take action against the erring teachers, who are conducting private tuitions.
2. In this regard, the learned advocate for the petitioners has drawn our attention to the West Bengal Board of Secondary Education (Appointment, Confirmation, Conduct and Discipline of Teachers and Non-Teaching Staff) Rules, 2018. It is submitted that in terms of Rule 4(6) of the said rules, no teacher shall engage himself in any sort of private tuition for personal gain. Under the said rule, there is a proviso, which states that a teacher shall

cooperate in the matter of remedial coaching, which may be organized by the institution.

3. The proviso would come into play in respect of such remedial coaching done by the institution. The grievance of the petitioners/association is that the teachers, who are employed in the schools and who are receiving salaries from the Government grant are parallelly conducting private tuitions and at times it becomes a pressure on the students / parents and unless and until their wards take private tuitions, it may affect the marks, which they score in the regular examinations conducted by the school. In this regard, several representations have been filed wherein the petitioners/association have also listed out the names of the teachers and the schools, who are violating the said rule.
4. We have heard the learned senior counsel appearing for the respondents/State.
5. Considering the concern expressed and taking note of the above-mentioned rule, we direct the 3rd and 4th respondent to consider the representations of the petitioners/association taking note of the facts mentioned therein, verify the details, which have been furnished by the petitioners/association and if any of the teachers is found to have violated the rule, appropriate

action should be taken in accordance with the rule after affording a reasonable opportunity of hearing to the teacher concerned.

6. This direction be carried out within a period of three months from the date of receipt of server copy of this order.
7. With the above direction, the writ petition stands disposed of.
8. There shall be no order as to costs.
9. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(T. S. SIVAGNANAM)
ACTING CHIEF JUSTICE

(HIRANMAY BHATTACHARYYA, J.)