

Court No. 22

12.9.2023

(Item No. 45)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 9535 of 2019

The Managing Committee
Pranabananda Junior High School
Represented by its Secretary
Shri Amalendu Bhusan Sarkar & Ors.
VS
The State of West Bengal & Ors.

Mr. Golam Mostafa
Mr. Tarasankar Samanta
.... For the petitioners
Mr. Ranjan Saha
.... For respondent Nos. 1, 2, 2(a) & 7
Ms. Koyeli Bhattacharya
..... for WBBSE

Pursuant to the order dated August 9, 2023 the respondent No. 7 has filed its report in the form of affidavit affirmed on August 18, 2023 today in Court, the same is taken on record.

The petitioner also has filed its exception thereto by way of an affidavit affirmed on August 24, 2023, the same is also taken on record.

The petitioner has challenged the impugned decision of the respondent No. 7 in refusing to grant recognition to the relevant school.

Pursuant to the direction of this Court made on July 27, 2023 the necessary exercise was carried out by the respondent No. 7 and the report is filed today. On perusal of the said report in the form of affidavit affirmed by respondent No. 7 on August 18, 2023 it appears from paragraph 5 thereof that certain deficiencies and non-compliance are still there on the part of the petitioners. Without curing such

deficiencies and compliance there of the recognition cannot be granted.

Mr. Ranjan Saha, learned counsel appearing for respondent Nos. 1, 2, 2(a) and 7 contends that unless these deficiencies are cured and fully complied with the recognition cannot be granted.

Ms. Koyeli Bhattacharya, learned counsel appearing for respondent Nos. 3 to 6 submits that, the moment her clients shall receive the necessary recommendation from the respondent No. 2 they shall immediately proceed to take further steps in accordance with law.

Mr. Golam Mostafa, learned counsel appearing for the petitioners submits that, the petitioners shall immediately cure whatever deficiencies have been pointed out in paragraph 5 to the said affidavit report forthwith for receiving recognition of the relevant school.

Considering the submissions made on behalf of the parties and considering the materials on record, the petitioners shall be at liberty to take steps to cure the deficiencies pointed out by the respondent No. 7 in paragraph 5 to its affidavit report as referred to above and subject to due compliance thereof and subject to the satisfaction of the respondent No. 7 and thereafter the respondent No. 2 thereupon, the necessary recommendation shall be made by the respondent No. 2 before the respondent Nos. 3 to 6 for

granting the necessary recognition to the relevant school.

The respondent Nos. 2 and 7 shall reach its conclusion if it is otherwise in order and the deficiencies are cured by the petitioners positively within a period of **four weeks** from the date of curing of such deficiencies after causing the necessary enquiry in accordance with law. The respondent No. 2 shall then send its recommendation before the respondent Nos. 3 to 6 within further period of **two weeks** from the date of reaching its satisfaction as to the curing of the deficiencies pointed out to the petitioners.

The respondent No. 3 then upon reaching to its satisfaction shall issue the necessary recognition in favour of the relevant school, **Pranabananda Junior High School, District – Dakshindinajpur** positively within a period of **four weeks** from the date of receiving the recommendation from the respondent No. 2.

On the above terms and with the above observations, this writ petition being **WPA 9535 of 2019** 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.)