

Court No. 22
14.9.2023
(Item No. 9)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 19162 of 2017
+
CAN 1 of 2017 (old No. CAN 8295 of 2017)

Manisankar Mondal
VS
The State of West Bengal & Ors

Mr. Rudranil De
Mr. H. K. Mahata
Mr. Ziaul Haque
.... For the petitioner
Mr. Bhaskar Prasad Vaisya
Mr. Pinaki Bhattacharya
.... For respondent Nos. 1, 3 & 4
Mr. Souvik Nandy
..... for NCTE

The petitioner is an Assistant Teacher at present at one Higher Secondary School. The petitioner intended to obtain B.Ed degree. Referring to **Annexure P-4** at **page 29** to the writ petition Mr. Rudranil De, learned counsel appearing for the petitioner submits that, when the application after following the due procedural part was sent before the respondent No. 4 the application was rejected, inter alia, with the finding that, as per the **Gazette of India notification bearing No. F. No. 51-1/2009/NCTE (N&S) dated July 23, 2010**, the petitioner did not qualify the qualifying requirement of 50% marks either in the Bachelor's Degree or in the Master's Degree. Hence, the case of the petitioner was rejected.

Mr. Bhaskar Prasad Vaisya, learned Additional Government appears for respondent Nos. 1, 2 and 4.

Mr. Souvik Nandy, learned advocate appears for respondent No. 2.

The respondent No. 5 is not represented.

Mr. Souvik Nandy, learned counsel has pointed out the provisions from the **National Council for Teacher Education Act, Rules and Regulations** and submits that, **Rule 3** there under which deals with intake, eligibility, admission procedure and fees clearly lays down a bar for a candidate who has not obtained 50% marks in the Bachelor's or Master's Degree to apply for obtaining B.Ed degree and the consequential benefits.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, this Court is of the firm view that a writ Court neither can supplement nor can modify or alter any statutory provision or statutory rules. The well settled principle is attracted that, when an act has to be done in a manner laid down specifically under the statute, such act shall be done likewise or not at all. All other modes are expressly forbidden.

In view of the above discussions and reasons, this Court is of the firm opinion that, there is no merit in this writ petition.

Accordingly, the writ petition **W.P.A. 19162 of 2017** along with application being **CAN 1 of 2017** stand dismissed.

There shall 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.)