

18 07.12.2023

Ct-08

ar

MAT 1805 of 2023

with

I.A No. CAN 1 of 2023

Nazirpur Teachers' Training College & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Anindya Bose

Mr. Golam Mohiuddin

Ms. Puja Mondal

... For the Appellants

Mr. Debabrata Mondal

Ms. Sreetama Neogi

... For the Respondent no. 5

Mr. Rabiul Islam

Mr. M. Ahmed

... For the Respondent no. 6

Mr. Gourav Das

... For the State

1. The appellant no. 2 claims to be the Secretary of the appellant no. 1. The appellant no. 2 and the private respondents claim themselves to be Trustess of Ambedkar Foundation, a registered trust, which runs the training college. There is a dispute with regard to the representation of the appellant no. 1. A civil suit is pending regarding the management of the Governing Body of the college. The appellant no. 2 was a Governing Body member of the college and it is now alleged on behalf of the private respondents that the appellant no. 2 has been removed by the Governing Body and the respondent no. 6 is now claiming to be the Secretary of the appellant no. 1.

2. The grievance of the appellant no. 2 is that his name was removed by the West Bengal University of Teachers' Training, Education, Planning and Administration (in short, the said University), since remained as Babasaheb Ambedkar University. All notices are now being sent in the name of the Chairman, the respondent no. 5 and the Secretary, the respondent no. 6.

3. Learned counsel for the appellant no. 2 has submitted that it was because of his efforts the University renewed the affiliation of the appellant no. 1 and now his name has been removed from the website of the University without giving an opportunity of hearing.

4. In view of the fact that the issues raised in the writ petition can be conveniently dealt with and decided in the pending suit where the appellant no. 2 and the private respondents are litigating over their rights and made a claim over the appellant no.1. Learned Single Judge was justified in not exercising the writ jurisdiction to resolve the said dispute. The reliefs claimed by the appellant no. 2 can be claimed in the pending suit and can be conveniently decided in the said proceeding, if raised.

5. Learned counsel for the private respondents

has submitted that on the basis of their complaint the name of the appellant no 2 was removed by the University.

6. We make it clear that we have not gone into the merits of the claim of the appellant no. 2.

7. Under such circumstances, we dispose of the appeal.

8. In view of disposal of the appeal, nothing remains to be decided in the application for stay being CAN 1 of 2023 and the same is accordingly disposed of.

9. However, there shall be no order as to costs.

10. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar,J.)

(Soumen Sen, J.)

