

W.P.A. 3876 of 2023

**Mazibar Rahaman & Anr.
Vs.
The State of West Bengal & Ors.**

Ms. Kakali Samajpati
Mr. Subir Hazra
Ms. Sangita Jangra
Ms. Payel Neogi

...for the petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey

...for the State

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

...for the WBBSE

Matter relates to recognition of Rahamania Academy, District-Malda (hereinafter referred to as the said school).

It has been submitted by the learned advocate representing the petitioners that District Level Inspection was conducted prior to introduction of “Banglarshiksha” portal vide memo dated 8th December, 2022. It is also submitted that based on DLIT inspection the concerned District Inspector of Schools (SE) forwarded the inspection report along with his observation to the Commissioner of School Education, West Bengal for taking decision regarding the recognition of the said school. It is further submitted that on requisition made by the concerned State-respondents Fire Safety Certificate has been submitted by the said school

authority before the Commissioner of School Education vide letter dated 3rd November, 2023. Petitioners pray for direction upon the Commissioner of School Education to forward his recommendation relating to recognition of said school to the concerned authority of the West Bengal Board of Secondary Education for taking final decision.

Mr. Bhaskar Prasad Vaisya, learned Additional Government Pleader submits that recommendation could not be forwarded to the Board since application for recognition was not submitted on “Banglarshiksha” portal. As per present system applicant school is required to make application on the aforesaid portal for obtaining ‘No Objection Certification cum Certificate of Recognition’.

This Court fails to understand why introduction of “Banglarshiksha” portal vide notification dated 8th December, 2022 shall stand in the way in forwarding ‘No Objection Certification cum Certificate of Recognition’ to the Board so far recognition of the said school is concerned. In the present case DLIT inspection was complete much before introduction of the portal with effect from 8th December, 2022 and the concerned District Inspector of Schools (SE) Malda also forwarded the relevant documents to the Commissioner of School Education before 8th December, 2022 for taking necessary steps.

Since Fire Safety Certificate as per requirement of the concerned State-respondents was submitted vide letter dated 3rd November, 2023 the Commissioner of School Education, West Bengal being respondent no. 2 is directed to forward his recommendation relating to recognition of the said school by 4 (four) weeks from the date of communication of this order to the West Bengal Board of Secondary Education for taking final decision.

It is made clear that introduction of “Banglarshiksha” portal with effect from 8th December, 2022 shall not operate as bar in forwarding recommendation by the respondent no. 2 since the process of recognition of the said school started from the point of DLIT inspection much prior to introduction of said portal.

With the aforesaid observations and directions, the writ petition stands disposed of.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)