

08.07.2024.
Court No.13
Item No. 53
ap

W.P.A. No. 16698 of 2023

**Adhyapak Pandit Shri Dinanath Mishra
Vyakarantirtha
Versus
The State of West Bengal & Ors.**

Ms. Sumitra Das.

...For the petitioner.

Mr. Ranjan Saha,
Md. Ziaur Rahaman.

..For the State.

1. Affidavit-of-service filed in Court today be taken on record.
2. The subject matter of the instant writ petition relates to the teaching of the Sanskrit language, at the primary level in the State of West Bengal.
3. The petitioner is an Adhyapak and Secretary of a "Tol" known as Poralda Kalika Chatuspathi, P.O. – Poralda, P.S.- Belda, District – Paschim Medinipur.
4. A "TOL" is a School for imparting grammar, law, logic and philosophy in ancient India. TOLs were found in and around the places of religious learning like Varanashi in Uttar Pradesh, Nadia in West Bengal and Nasik in Maharastra in medieval India. The TOL system of education imparted instructions primarily in the Sanskrit language.
5. The umbrella agency under which TOL in each district in the State of West Bengal came to be administered and managed was the Vangiya/Bangiya

Sanskrit Siksha Parishad (VSSP/BSSP). The said VSSP is stated to be an autonomous institution constituted under a resolution of the School Education Department, Government of West Bengal dated 4th May, 1949.

6. The VSSP administered all matters relating to Government Sanskrit TOLs, Government Sponsored Sanskrit TOL and Non-government D.A. Getting Sanskrit TOL in West Bengal.

7. The drawing and disbursement Officer of Non-Government Sponsored TOLs are the respective District Inspector of Schools (PE) in terms of a Memo of the School Education Department, Budget Branch, West Bengal No. 480-SE(B)/1M-59/99 dated 30th July, 2002. By a Notification published under Section 3(5) of the Sanskrit College and University, West Bengal No. 187/L dated 19th February, 2016, VSSP was merged with, and included under, the Sanskrit College and University.

8. By a further Notification issued by the Joint Secretary, School Education Department, Elementary Education) Branch dated 21st December, 2018 being No.1056-SE/EE, all concerned authorities were directed to take all necessary action to merge the VSSP with the Sanskrit College and University, West Bengal, (established under West Bengal Act XXXIII of 2015) along with all privileges and liabilities.

9. Since then the Vice Chancellor of Sanskrit College and University, inter alia, by Memo dated 21st March, 2022 addressed to the Higher Education Department, the Special Commissioner to the Government of West Bengal has been requesting the transfer of all documents and papers of the VSSP from the School Education Department to the University.

10. By a Notification dated 19th February, 2016 being No. 187/L published by the Secretary, VSSP informed the Registrar, Sanskrit College and University with effect from 13th July, 2023 all the Government Sanskrit TOLs, Government Sponsored Sanskrit TOLs and Non-government D.A. Getting Sanskrit TOLs in West Bengal would be handed over to the University at the Office of VSSP at No.1, Bankim Chatterjee Street, Kolkata – 700 073. The said Memorandum was numbered as 291 dated 4th July, 2023. The formal date for handing over charge and documents by the VSSP to the Sanskrit College and University has not yet been fixed, although VSSP appears to be ready to do so.

11. The aforesaid facts have been communicated in a note by the VSSP to their State Advocate which is kept with the record.

12. It appears, therefore, that all assets and liabilities of the State in respect of three categories of tols, namely, Government Sanskrit Tol, Government

Sponsored Sanskrit Tol and Non-government D.A. Getting Sanskrit Tol are now to be administered and controlled by the Sanskrit College and University constituted under the West Bengal Act of 2015. Annexed to the writ petition is a list of about 157 tols in seven districts in the State, namely, Burdwan, Birbhum, Nadia, Purba Medinipur, North 24 Parganas, Paschim Medinipur and Howrah.

13. It is quite possible that there are many other Tols in the State in other districts than the one mentioned hereinabove. Such Tols may not have been kept on the register and records of the State and VSSP for want of a duly constituted Managing Committee.

14. In so far as the writ petitioner is concerned, the VSSP has communicated to the petitioner that unless a proper Managing Committee is constituted, his TOL may not come within the meaning of its recognition by either the VSSP and now the Sanskrit College and University, West Bengal.

15. The necessity and importance of reviving and promoting the Sanskrit language cannot be over emphasised since it is a part of the rich culture and heritage of this nation.

16. This Court appreciates the steps taken by the State of West Bengal in constituting a exclusive University under a statute and transferring of TOLs under it. It is expected that appropriate funding is

made available to the Sanskrit College and University to revive and continue to promote institutions like TOLs, for propagating the Sanskrit language in the State of West Bengal.

17. The petitioner and any other TOLs in the State, hitherto registered with the VSSP/BSSP shall be entitled to reconstitute their Managing Committee as expeditiously as possible and submit appropriate documents and resolutions to the Registrar, Sanskrit College and University, West Bengal. The University shall in turn take all steps to the extent of administrative, logistic and financial support to these Tols within the prescribed Rules.

18. Let the Registrar of the Sanskrit College and University take expeditious steps, preferably within a period of two months from date to take over all documents and institution under the control of VSSP/BSSP.

19. The Registrar, Sanskrit College and University, having its office at 1, Bankim Chatterjee Street, Kolkata - 700 073 and the Secretary, Vangiya Sanskrit Siksha Parishad (also known as Bangiya Sanskrit Siksha Parishad) be added as party respondents to the instant proceedings as the respondent nos.5 and 6 respectively.

20. Let appropriate amendments be carried out by the learned Advocate-on-record of the petitioner in course of the day.

21. Let a copy of this order be sent to the newly added respondents along with a copy of the writ petition for necessary compliance.

22. The instructions of the Secretary, Vangiya Sanskrit Siksha Parishad along with the writ petition being W.P.A. No. 5999 of 2020 filed in Court today be kept with the record.

23. With the aforesaid observations, the instant writ petition shall stand disposed of.

24. There will be no order as to costs.

25. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)