

**2509
2024**

WEDNESDAY

Court : 08
Item : DL-05
Matter : MAT
Status : DISMISSED
Bench ID : 266211
Transcriber : NANDY

**IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE**

MAT 1624 of 2024

with

CAN 1 of 2024

The Regional Director, Eastern Regional Committee (NCTE)

Vs.

Rajib Gandhi Memorial B.Ed College & Ors.

Ms. Asha Gourisaria Gutgutia, Advocate

Ms. Tithi Bhattacharya, Advocate

.....for the Appellant/NCTE

Mr. Nilotpall Chatterjee, Advocate

Mr. Satyaki Banerjee, Advocate

.....for the Calcutta University

Mr. Sabya Sachi Chatterjee, Advocate

Mr. Pintu Karar, Advocate

Mr. Sabab Uddin Laskar, Advocate

.....for the Respondent No. 1

1. We are unable to comprehend whether the appellant can be said to be an aggrieved party as the order impugned in the instant appeal neither decided any legal right nor the observations made therein would make the appellant as an aggrieved party.
2. The dispute pertains to recognition in relation to a B.Ed course. There have been considerable lapses and the Court was of the view that so far as the past academic years are concerned, no direction can be passed in this regard. What was directed by the Single Bench is that the petitioner-Institute may make a representation to the appellant-Authority seeking grant for recognition for the academic sessions 2024-26 and onwards. It was further highlighted that after receipt of the same, the appellant-NCTE

shall conduct necessary inspection and consider the representation within a short time, in accordance with law.

3. Learned Counsel for the appellant is very much vocal in relying upon a judgment of the Supreme Court rendered *in case of Maa Vaishno Devi Mahila Mahavidyalaya Vs. The State of Uttar Pradesh & Ors.* reported in **2013 (2) SCC 617** wherein the Constitution Bench has framed a schedule for recognition and affiliation and the said schedule is required to be strictly adhered to. It is further submitted that according to the mandate given in the said judgment, inspection is required to be made and, thereafter, the decision can be taken whether the affiliation/ recognition can be granted or not.
4. We appreciate the agony and anguish of the appellant but still do not find that the aforesaid grounds may make the appellant as an aggrieved party. The recognition was directed to be considered for the upcoming academic sessions i.e. 2024-26 and not for the past sessions for which the time schedule fixed by the Apex Court has to be diluted. What is directed is that the representation may be made by the Institution to the NCTE which can still be regarded as an application by the Institution.
5. The contention that the inspection is inevitable has already been accepted by the Single Bench with the categorical observation that, in the event, such representation is made, the

inspection shall be done by the appellant and, therefore, we do not find any substance in the stand of the appellant.

6. The Court has not decided any right of the parties. An Institution is free to make an application to an authority seeking recognition/affiliation which cannot be undermined nor any law creates deterrent in making such application. Whether the authority would grant the affiliation/ recognition is within the domain of the authority and, therefore, we are unable to countenance the submission of the appellant that the direction in making a representation cannot be passed by the Single Bench.
7. Since the ball has rolled in the Court of the appellant-Authority to take a conscious decision in accordance with law, such authority cannot stand in the way of discharging duties and filing an appeal before the Appellate Court that even the direction to make a representation has affected their right conferred under the statutory provision.
8. We thus do not find any merit in the appeal.
9. The appeal being **MAT 1624 of 2024** and the connected application being **CAN 1 of 2024** are **dismissed**. No order as to costs.

(Harish Tandon, J.)

(Partha Sarathi Sen, J)

