

19
26.09.2024
Ct. No. 18
adeb

W.P.A. 23784 of 2024

**Private Tutors' Welfare Association
Vs.
The State of West Bengal & Ors.**

Mr. Sourav Mondal
Mr. Mukul Biswas
Mr. Rony Mondal

..for the petitioner

Ms. Sayantanee Bhattacharjee

...for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Private Tutors' Welfare Association has come up with the present writ petition challenging notification dated 24th May, 2023 being no. L/SECY/095/2023 issued by the Secretary, West Bengal Council of Higher Secondary Education (for short, "Council") wherein certain guidelines have been framed by the Council for conducting class XI annual examination.

Learned advocate representing the petitioner association has expressed concern with regard to sanctity of the annual class XI examination if conducted in terms of the guidelines as contained in the impugned notification dated 24th May, 2023. It is submitted by the learned advocate representing the petitioner association that if class XI annual examination is conducted by the

respective schools with assistance of the teachers working in higher secondary schools in that event there would be widespread malpractice in conducting such examination. Petitioner association prays for cancellation of this notification dated 24th May, 2023.

Learned advocate representing the Council at the threshold has taken the point of maintainability of this writ petition since the notification dated 24th May, 2023 has been questioned by Private Tutors' Welfare Association meaning thereby the members of the said association are not teachers and guardians of the higher secondary schools where class XI final examination is to be conducted in terms of the said guidelines.

Having considered the respective submissions made on behalf of the parties this Court finds substance in the submission made on behalf of the Council. Since the association is formed by the private tutors they are not in any way connected to any higher secondary schools; they do not have *locus standi* to maintain this writ petition questioning the notification dated 24th May, 2023. The concern which has been expressed on behalf of the petitioner association would have been relevant consideration had steps been taken by the persons who are associated with higher secondary schools.

In view of aforesaid scenario no relief can be granted to the petitioner association and the writ petition stands dismissed since the same is not maintainable.

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.)