

25.01.2024
Item No. 62
Crt.No.22
b.r.

WPA 28511 of 2013

***Managing Committee, Tasarara Sidhu-Kanu
Junior High School, represented by its Headmaster
and Secretary, namely:
Sri Amrit Nandan Das & Anr.***

-vs-

The State of West Bengal & Ors.

**Mr. Sadananda Ganguli
Mr. Sakya Maiti**

..... for the petitioners.

Mr. Shamim ul Bari

.... For the State.

This is a hearing matter upon affidavits.

The petitioners claimed that the relevant school was granted a provisional recognition way back on **November 11, 2011** for a limited period of **two years, annexure P-15 at page 86** to the writ petition. Naturally the provisional recognition expired on or about **November 10, 2013**. The document granting provisional registration referred to a **Government Memo** as mentioned therein being dated **August 26, 2011**. The said Memo has been produced before this Court today by Mr. Shamim Ul Bari, learned State counsel, wherefrom it appears that the provisional recognition was granted to the relevant school as an **unaided school** for two years.

Mr. Sadananda Ganguli, learned counsel for the petitioners today in Court has placed a bunch of

documents wherefrom it appears that by a communication dated **June 8, 2022**, the school authority submitted an application before the **respondent no.7** requesting to grant extension of recognition to the school. The said bunch of documents is also taken on record.

After considering the submissions made on behalf of the parties and upon perusal of the materials on record, it appears to this Court that to decide the issue whether the relevant school is eligible to receive extension of recognition which had already expired in 2013, several fact finding enquiries are also required to be made including scrutiny of the various Government policy thereupon.

For those reasons, to sub-serve justice, the **Secretary, Secondary Education Department, State of West Bengal** shall decide the application of the school dated **June 8, 2022** as referred to above upon issuing at least a seven days prior hearing notice to the petitioners and after giving them an opportunity of hearing shall decide the issue by passing a reasoned order in accordance with law.

It is made clear that this Court has not gone into the merits of the claim of the petitioners in any manner and the petitioners shall be at liberty to urge whatever points they wish to urge and to rely upon whatever

records and documents but shall not travel beyond the scope of their said application dated June 8, 2022 submitted before the respondent no.7.'

The petitioners shall serve and submit a copy of the said application dated June 8, 2022 along with a copy of today's order upon the **Secretary**.

The petitioners shall be at liberty to be represented before the Secretary through its duly authorised representative, if they think fit.

The entire exercise as directed above shall be carried out and completed by the **Secretary** positively within a period of **six weeks** from the date of communication of this order. The Secretary then shall communicate its reasoned order to the **petitioners** and the **respondent no.7** positively within a further period of **two weeks** from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioners, the **respondent no.7** shall take all further steps and consequential steps to give effect thereto positively within a period of **three weeks** from the date of communication of the reasoned order to it.

It is also made clear that this order shall not create any right or equity in favour of the petitioners, if the petitioners are not eligible to receive their claim **strictly in accordance with law**.

The Secretary while deciding the issue shall be free to apply its independent mind without being influenced by observation, if any, made by this Court. The **Secretary** shall decide the issue **strictly in accordance with law.**

On the above terms, this writ petition, **WPA 28511 of 2013** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)