

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 17156 of 2024

Shuvam Bera & Anr.

v.

The State of West Bengal & Ors.

Mr. Atarup Banerjee

Mr. Bapin Baidya

Ms. Simika Ray

... For the petitioners

Mr. Biswabrata Basu Mallick

... For the State

Mr. Kunal Ganguly

... For the respondent no.5/WBBSE

1. Affidavits of service filed in Court today are taken on record.
2. The petitioner no.1 is the Headmaster of the petitioner no.2 School. His grievance is that though the School has been upgraded as unaided institution for imparting co-education in Bengali medium, the Board has not approved the classes till Class-VIII.
3. The petitioner has annexed the order dated 19th April, 2012 passed by this Court in WP No.21513 (W) of 2009 wherein the Court directed the authority to consider the issue of recognition of the Class-IV Junior High School in accordance with the West Bengal Board of Secondary

Education (Recognition of Unaided Institution) By-Laws, 2007.

4. Submission is that, till date no decision has been taken by the authority as regards recognition of the primary and upper primary section. In the meantime, in the year 2021, the West Bengal Board of Secondary Education has proceeded to upgrade classes IX and X of the School.
5. Learned advocate representing the Board submits that for the purpose of approving the classes, steps are required to be taken by the District Inspector of Schools, the Commissioner of School Education and the School Education Department. In the absence of proper steps taken by the aforesaid authorities, the Board will not be in a position to approve the said classes.
6. The Court is surprised to note as to how could the Board proceed to upgrade classes IX and X of a School without giving formal approval or recognition to the junior classes.
7. In the year 2012, direction was passed upon the Board with regard to the primary section of this School which does not appear to have been complied with till date.
8. In view of the above, the instant writ petition is disposed of by directing the District Inspector of Schools (Secondary Education), Purba Medinipur and the West Bengal Board of Secondary

Education to act in tandem for taking steps to act in terms of the direction passed by the Court on 19th April, 2012 keeping in mind the upgradation given by the Board in favour of the classes IX and X of the School on 23rd February, 2021.

9. Steps shall be taken by the aforesaid authorities at the earliest but positively within a period of twelve weeks from the date of communication of this order.
10. The formalities required to be complied with by the petitioners shall be intimated to them so that there is no delay in taking steps in terms of the direction passed hereinabove.
11. The authorities shall keep in mind the paramount interest of the students studying in the subject School.
12. The writ petition stands disposed of.
13. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)