

07 16.01.2025
AN Ct. No. 01
RP

WPA(P) 442 of 2024

Government Aided Teachers & Non-Teaching
Staff Welfare Association & anr.

vs.

Union of India & Ors.

Mr. Abhratosh Majumder, ld. Sr. Adv.

Mr. Arkadipta Sengupta

Mr. Tirthankar Dey

... for the Petitioners

Mr. Sk. Md. Galib, ld. Sr. Adv.

Ms. Sujata Mukherjee

... for the State

Mr. Atarup Banerjee

Mr. Amal Kumar Datta

... for the U.O.I.

1. The petitioner is stated to be a registered society under the name and style of Government Aided Teachers and Non-Teaching Staff Welfare Association which is the first writ petitioner and the second writ petitioner is stated to be the President of the said Society.

2. The petitioner seeks for a direction upon the respondent State to forthwith implement the guidelines as published on 16.01.2024 with appropriate regulatory measures to regulate the coaching centres in the State of West Bengal. The notification which the petitioner association seeks for implementation was issued by the Ministry of Education, Department of Higher Education, Government of India dated 16.01.2024 which has prepared the guidelines for regulation of coaching centres in the country and has been forwarded for consideration of the States/Union Territories by way of appropriate legal

framework. The notification issued by the Government of India clearly states that education being the subject matter of the concurrent list and considering the regulation of +2 level education is majorly in the jurisdiction of the concerned State/Union Territory Government. Hence, the coaching centres are best regulated by the State or Union Territory by way of appropriate legal framework. Alongwith the notification, the guidelines framed by the Department of Higher Education, Ministry of Education, Government of India has been annexed. The petitioner association claims that its members are both teaching and non-teaching staff working in various Government aided schools and they are very much concerned about the quality of coaching given by the private coaching centres, the infrastructure and other related matters. Before approaching this Court, the petitioner society ought to have approached the State by way of an appropriation in the event of any inaction or when there is action taken which is not to the satisfaction of the petitioner society it would augur well for the petitioner to approach this Court by way of a Public Interest Litigation.

3. Therefore, we are of the view that, at this juncture, the prayer sought for in the writ petition is premature and the proper course to be adopted by the writ petitioner is to first approach the Government by way of a detailed representation as the petitioner claims to be a registered society consisting of members who are teaching and non-teaching staff of government aided schools. In the guidelines, it has been stated that the Central Government

proposes to address the issues related to private coaching centres and frame modal guidelines/policy for adoption of State/Union Territories by way of appropriate legal framework.

4. Hence, we **dispose of** this writ petition by granting liberty to the petitioner society to submit a comprehensive representation to the second respondent enclosing all relevant details and documents as annexures and if such representation is submitted, the second respondent shall consider the same and take appropriate action bearing in mind the guidelines which have been framed by the Government of India. Necessary action be taken in this regard within a period of three months from the date on which the representation is made.

(T. S. Sivagnanam)
Chief Justice

(Hiranmay Bhattacharyya, J.)