

23 **17.03.**
2026
Ct. No. 24

Ab

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.

WPA 5054 of 2026

Mazibar Rahaman and another
Vs.
The State of West Bengal and others.

Mr. Prahlad Chandra Ghosh,
Mr. Swapan Chatterjee.
... for the petitioners.

Mr. Swapan Kumar Dutta,
Mr. Rajat Dutta,
Mr. Anirban Datta.
... for the State.

Ms. Koyeli Bhattacharyya.
... for the WBBSE.

1. The affidavit of service filed today is kept on record.
2. The petitioners are aggrieved that in spite of a clean inspection report from the District Level Inspection Team (DLIT) and a recommendation from the District Inspector of Schools (SE), Malda of December 28, 2016 for granting the petitioners' recognition from Classes V to X, such recommendation was ignored and recognition was given only for classes V to VIII.
3. In fact, an earlier writ petition had been filed and orders passed therein including a contempt application wherein this fact was taken note of. The said order in the contempt application made on February 6, 2026, a Co-ordinate Bench of this Hon'ble Court was pleased to hold that the order

will not preclude the applicants to take steps in accordance with law, if the applicants are aggrieved by the order of recognition.

4. Mr. Ghosh, learned Advocate appearing for the petitioners, submits that they are indeed aggrieved by the order of recognition as the recommendation for recognition from Classes V to X and the recognition has been made only for Classes V to VIII.
5. The only parameter lacking in the petitioners' application was the requisite fire safety certificate, which has now been obtained and according to Mr. Ghosh, there is no lacuna to refuse recognition from Classes V to X.
6. Ms. Bhattacharyya, learned Advocate appearing for the West Bengal Board of Secondary Education and Mr. Dutta, learned Government Pleader and Senior Advocate appearing for the State, submit that the consideration may be done only if parameters have been duly fulfilled by the petitioners.
7. In view of the afore-stated, I direct the petitioners to make a fresh application seeking recognition of Classes IX and X, as Classes V to VIII has already been given recognition.
8. The petitioners will be at liberty to disclose all requisite documents in support of their claim before the respondent no, 2.

9. The respondent no. 2 is directed to dispose of such representation within a period of six weeks from the date of receipt of the representation. The said representation will be disposed of by giving a hearing to the petitioner no. 2 and/or its authorized representative upon adequate prior notice.
10. The resultant order will be communicated to the petitioners by further period of two weeks from the date of deciding the same.
11. Since I have not gone into the merits of the case, all points are kept open to be decided by the respondent no. 2.
12. With these afore-stated directions, the writ petition is disposed of.
13. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.
14. There shall, however, be no order as to costs.
15. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

