Vacation Bench
November 4, 2026
Sl. No.2
Court No.08
s.biswas

MAT 1826 of 2026
with
CAN 1 of 2026

Chittaranjan Mahato
vs.
Baba Saheb Ambedkar Educatin University and others

Mr. Surojit Dasgupta
Mr. Lutful Haque
Mr. Golam Karim Chowdhury
Ms. Tahamina Khatun
... for the appellant

Mr. Parashar Baidya
... for the respondent no.1 to 3/University

Mr. Srijib Chakraborty
Mr. Aditya Mondal
... for the respondent nos.5 & 6

1. Affidavit of service filed by the appellant is taken on record.

2. The present challenge has been preferred against an order whereby, at the interlocutory stage, the Writ Court came to the finding that a communication dated September 25, 2025, whereby the access of the email ID of the respondent no.1/University was given to the appellant, was fake and fabricated.

3. We are apprised by learned counsel appearing for the parties that several writ petitions are pending, whereby the petitioner/appellant as well as the private respondents have challenged the grant of access of the official email ID of the said university to each other.

4. Learned counsel appearing for the appellant submits that the learned Single Judge acted on the mere verbal submission of one Mr. Mukesh Kumar, the Regional

Director, Eastern Regional Committee, NCTE (National Council for Teacher Education) and came to such conclusion without there being any affidavit on record, despite there being several previous directions on the NCTE to file such an affidavit.

5. It is further submitted that since the Writ Court is *in seisin* of the conflicting allegations, direction ought to be given to the NCTE to furnish a report supported by affidavit, disclosing about the veracity or otherwise of the communications transferring access of the said email both to the appellant and the private respondents.

6. Learned counsel appearing for the private respondents submits that from the letter dated September 25, 2025 issued to the Registrar of the University by the Regional Director of the NCTE, it would be evident that the communication in question in favour of the appellant was fake.

7. However, we find from the said communication that it was authored by one Mr. Mukesh Kumar, purportedly the Regional Director of the NCTE, Eastern Regional Committee, who was the same person who appeared online before the Writ Court and stood by his own letter by alleging that the communication dated September 25, 2025 was fake and fabricated.

8. It appears premature at the interlocutory stage for the Writ Court to come to a conclusive finding that such document was fake and fabricated without there being

any affidavit on oath, fixing liability for the statements made therein, from the end of the NCTE as to the authenticity of the said communication or otherwise. We say so particularly in view of the fact that there were several previous directions to file affidavit, which were flouted by the NCTE.

9. Since the learned Writ Court is *in seisin* of the challenges by both the private parties in respect of grant of access to each other in respect of the email ID of the University in question, it would only be appropriate if the NCTE is directed to file a comprehensive affidavit, upon undertaking due enquiry, as to the veracity of the respective communications whereby access to the email ID was given both in favour of the appellant as well as the private respondents.

10. Accordingly, MAT 1826 of 2026 is allowed on contest, thereby setting aside the impugned order dated October 7, 2026 passed in WPA 25523 of 2025 and directing the NCTE to file a comprehensive affidavit on oath disclosing the authenticity/veracity or otherwise of the communication dated September 25, 2025, whereby the access to the email ID of the respondent no.1/University was given to the appellant, as well as regarding the authenticity or otherwise of the communication by dint of which such email ID was given in the first place to the private respondents.

11. Such affidavit, it is expected, shall be filed before the Writ Court within 3 weeks from the date of reopening of this Court after the ongoing Annual Vacation.

12. We make it abundantly clear that in the event the NCTE does not comply with the above time limit, it would be open to the Writ Court to pass appropriate penal directions against the concerned officials of the NCTE for such non-compliance.

13. All steps taken pursuant to the impugned order in the meantime, if any, hereby stand reversed and due steps shall be taken by the respondent no.1/University immediately in that regard.

14. We make it clear that the above observations are tentative in nature and it will be open to the Writ Court to decide the writ petitions on their own merits on the premise of such affidavit as directed to be filed by the NCTE, upon granting an opportunity to the parties to rebut the same, in accordance with law without being influenced by any of the observations made above. Consequently, CAN 1 of 2026 also stands disposed of.

15. There shall be no order as to costs.

(Sabyasachi Bhattacharyya, J.)

(Arjun Ray Mukherjee, J.)