

(2014) 03 CAL CK 0085
In the Calcutta High Court
Case No : Writ Petition No. 32503 (w) of 2008

Abdur Rahim Mollah

APPELLANT

Vs

The State of West Bengal and Others

RESPONDENT

Date of Decision : 07-03-2014

Acts Referred:

Citation : (2014) 03 CAL CK 0085

Hon'ble Judges : Ashim Kumar Roy, J

Bench : Single Bench

Advocate : Ekramul Bari and Mr. K.M. Hossain, for the Appellant; Supriyo Chattopadhyay, for the Respondent

Final Decision : Dismissed

Judgement

Ashim Kumar Roy, J.—It is the case of the writ petitioner that in response to an advertisement published by the West Bengal Central School Service Commission for conducting 8th Regional Level Selection Test for filling up the post of Assistant Teacher in Physical Education (Pass), the writ petitioner who possessed all the requisite qualifications offered his candidature. However, when the merit list was published, his name was not found place and he enquired at the office of the concerned respondent and he was allegedly verbally told that since his qualification of training is not recognized by the National Council for Teacher Education his case was not considered. The learned Counsel for the petitioner referred the Annexure P-3 and submitted that his qualification is duly recognized in terms of the N.C.T.E. norms. On the other hand, the learned counsel for the State submitted that it was not known to anybody as to why the petitioner's candidature was not considered and whatever have been submitted from the side of the writ petitioner is based on mere assumption. He further submitted that no order can be passed by directing the respondent authorities to give appointment to the petitioner without knowing the reason why his candidature was not considered. He further submitted the petitioner has prayed for direction upon the respondent authorities to disclose the reason why his candidature is not

considered and for that he has adequate and efficacious remedy under the Right to Information Act and, therefore, no order passed in this regard.

2. The learned counsel for the writ petitioner draws the attention of this court to the affidavit-in-opposition filed on behalf of the respondent No. 3, 4 and 5. It may be noted the original copy of the opposition was not found with the records and the counsel of the writ petitioner handed over to this court the copy of the same which was served on him. It may further be noted the learned counsel for the State has not raised any objection against the same. He then pointed out from paragraph 7 of the said affidavit-in-opposition it was categorically stated that the Baliapal College of Physical Education from where the petitioner completed B.P.Ed. course during the period 1996-97 the said course was not recognized by N.C.T.E. and recognition was granted from academic sessions 2002-2003 and then attention of this court was drawn to annexure P-3 to this application and submitted the necessary permission was accorded to the Baliapal College of Physical Education to continue with B.P.Ed. course, therefore, the contention of the respondent authority as stated in paragraph 7 of the affidavit-in-opposition is completely against the materials on record.

3. The learned counsel for State contended that the annexure P-3 cannot be considered as granting of recognition and that was merely a permission to continue with the course.

4. I have given my anxious and thoughtful consideration to the rival submission of the parties and I find there is sufficient force in the submission of the learned counsel for the State. Going through the annexure P-3 to the writ petition I find by virtue of the same the Baliapal College of Physical Education, wherefrom the petitioner obtained his B.P.Ed. degree after having completed his course for the academic sessions 1996-97, was permitted by N.C.T.E. to continue to teach B.P.Ed. course until final disposal of its application for recognition. In any event the same cannot be treated to be an order recognising the said institution whereas from the annexure to the affidavit-in-opposition I find that is a document whereby the said institution was recognised by the N.C.T.E. for the academic sessions 2002-2003. On the consideration of both the aforesaid documents I have no doubt the document which is annexed with the opposition is a document whereby the said institution was recognized not by the annexure P-3 to the writ application. Therefore, it boils down that the Baliapal College of Physical Education was not recognized by the N.C.T.E. during the academic sessions when the petitioner obtained his B.P.Ed. degree therefrom. No other document has been produced before me to justify the claim of the writ petitioner that during the academic session when he underwent the course in that particular college, the course was recognized by N.C.T.E.

5. For the reason stated above I do not find any merit in this application and same stands dismissed without any cost. Urgent photostat certified copy of this order, if applied for, be given to the learned advocate for the parties on usual undertaking.