

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

The Hon'ble SAYEED AHMED BABA, Member (A)

Case No. – OA-581 of 2022

Krishna Maity & Anr. VERSUS – The State of West Bengal & Ors..

Serial No. and Date of order For the Applicant : Mr. M.N. Roy,
Learned Advocate.

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27.09.2022 For the State Respondents : Mr. G.P. Banerjee,
Learned Advocate.

For the N.C.T.E. Mr. U.K. Jana,
Learned Advocate.

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 536-WBAT/2J-15/2016 dated 26th August, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

Mr. Jana appearing on behalf of N.C.T.E. submits a copy of correspondence in which it appears that the two second campuses Bolpur, Birbhum and Bhatol, Uttar Dinajpur have not been recognised by ERC-NCTE.

Mr. Roy submits that since the two second campuses are not recognised campuses, therefore, the respondent may be directed to cancel the impugned order for the applicants. Mr. Roy reiterates his prayer for an interim order staying the impugned order dated 29.07.2022 and 02.08.202.

Mr. Banerjee objects to the paper submitted by Mr. Jana on behalf of NCTE as it is not under procedure. It should have been submitted through an affidavit.

As regards the prayer for an interim order staying the operation of the impugned order, Mr. Banerjee objects to it on the

ground that this Court has already passed an interim order during the last occasion restraining the respondent from taking any coercive action.

Mr. Jana appearing on behalf of NCTE clarifies that NCTE is the competent authority to support the State Government for development of educational infrastructure and provide grant in aid. However, Mr. Jana states that NCTE is not concerned with the appointment of the teachers, which comes under the domain of the State.

Mr. Roy submits that in view of the above submission made by Mr. Jana that the two second campuses are not recognised campuses, appointment and posting in these two unrecognised second campuses are not legally tenable and, therefore, the posting order issued to the applicants is void and be set aside.

Mr. Roy refers to page 24 A in which the Secretary of Elementary Education Branch mentions :-

“The remaining 10 (ten) No. of PTTIs will be second campuses of DIET in the districts and respective DIETs will arrange for separate batches to be trained in the second campus after obtaining due approval of NCTE.”

After hearing the learned advocates, the matter is fixed on 23.11.2022 for further hearing. Mr. Jana is directed to file the concerned paper in the form of affidavit within 10.11.2022. Mr. Banerjee is also directed to file reply by the next date of hearing.

Interim order directing the respondents not to take any

coercive measures against the applicants will continue till
23.11.2022.

SAYEED AHMED BABA
MEMBER (A)

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