

SL
No.7
Court
No. 11
G.S.Das
06.12.2022

MAT 1401 of 2022
With
CAN 2 of 2022

S.A.K. Primary Teacher's Training Institute.
-Vs-
National Counsel For Teachers Education & Ors.

Mr. Sarwar Jahan
Mr. Sayantan Hazra
Mr. Sumit Naskar

... for the Appellant

Mr. Biswabrata Basu Mallik
Mr. Sanjib Das
Mr. Madhusudan Mukhopadhyay

... for the State-respondents

Mr. Souvik Nandy

... for the NCTE

Party/Parties is/are represented in the order of their name/names as printed above in the cause title.

Mr. Jahan, Learned Counsel appearing for the appellant/the College in issue, submits that the appellant has proposed to introduce B.Ed Course in its institution which is already imparting D.El. Ed course since 2013.

It is the stand of the appellant that there is no statutory provision under the National Council for Teachers Education Act, 1983 (for short, the 1993 Act) to take any no-objection from the State Government for inviting online applications to run new B.Ed Course in the institution.

It is the further stand of the appellant, who was the writ petitioner before the Hon'ble Single Bench, that the

NCTE itself has invited online courses for every calendar year and, in the event, the proposal for conducting the online B.Ed Course mooted by the NCTE is not accepted by the State-Government, the NCTE can take initiative *suo motu* inviting online applications for commencing the B.Ed course in the institution.

Mr. Nandi, Learned Counsel appearing for the NCTE, submits that the situation has remained the same as recorded by the Order of the Hon'ble Single Bench dated 13th of June, 2022, which has been impugned in this appeal.

It is reiterated that the Hon'ble Single Bench recorded the stand of the parties that as and when the online portal inviting applications for B.Ed Course will be operational, the right of the appellant to apply shall automatically accrue.

It is also reiterated by Learned Counsel for the NCTE that the stand taken in the appeal by the appellant was not taken before the Hon'ble Single Bench at the first instance.

The State-respondents are represented by Mr. Mallick with Mr. Das and Mr. Mukhopadhyay, Learned Counsel.

Having heard the parties and considering the materials placed, at this stage this application does not call for any interim order.

Accordingly, let Affidavit-in-opposition be filed within three weeks from this date. Reply, if any thereto, be filed within two weeks thereafter.

Liberty to mention upon prior notice to each other after the period granted to exchange Affidavits stands

complete.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)