

03.08.2021
SL No. 3
Court No. 24
(P.M.)

WPA 8836 of 2021

Priyanka Kumari & Anr.
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Sunit Kumar Roy
... for the petitioners

Mr. Raghunath Chakraborty,
Ms. Tanusree Das
... for the University of Burdwan

Mr. Suman Banerjee
... for the respondent No. 7

Mr. Pinaki Dhole,
Mr. Pinaki Bhattacharyya
... for the State.

Petitioners are students who got themselves admitted in Bam Vivekananda Primary Teachers Training College, Purba Burdwan in the year 2019 i.e. the first year when the College was permitted to admit students and the course started for the first time in the said year. The course is the four years integrated B.A.B.Ed/B.Sc.B.Ed programme based on CBCS in self financed B.Ed colleges session 2019-2023.

The case of the petitioners is that since they were admitted in the course in the offline mode they were not issued the registration certificate by the University of Burdwan that is the affiliating University.

It has been submitted by the petitioners that admission was permitted for one hundred seats and only twenty one candidates have been admitted in the said course. Out of the twenty one, nineteen candidates were admitted in the online mode and the rest two petitioners were admitted in the offline mode.

As the registration number was not issued in favour of the petitioners they apprehend that the mark-sheet of the examination in which they appeared in the year 2021 may not be published. The petitioners made representation before the University of Burdwan but the same has not been responded by the University.

The petitioners pray for a direction upon the University to issue the registration certificate in their favour immediately and to declare their results.

The learned advocate representing the College submits that the petitioners had the eligibility criteria to be admitted in the said course and they were duly admitted after following the prescribed norms. It has been reiterated that there are hundred seats to be filled up and as the petitioners were eligible for admission in the course the College permitted the petitioners to be admitted in the offline mode.

The learned advocate for the College further submits that necessary documents were forwarded to the University for regularization of the admission of the petitioners.

The learned advocate representing the University of Burdwan relies upon the admission notice issued by the University of Burdwan on 31st October, 2019. It clearly mentions that admission to the course will be done through online mode only and under any circumstances, no student will be admitted directly by the self financed B.Ed College authorities without recommendation of the University and the University shall not be responsible for registration and enrolment of any student, if admitted directly by the college authority.

The University has also relied upon documents to show that the names of the petitioners were never forwarded by the college to the University for regularization of their admission.

From the submissions made on behalf of all the parties it appears that though the admission norm prescribes that admission can be made only on the online mode, the petitioners were admitted offline by the college authority. It has been submitted that 2019 was the first year of taking admission in the said college. It may be possible that in the first year the college was not readily prepared to get all the students admitted in the online mode and as the college had approval to take admission of hundred students out of which only nineteen were filled up by online mode, the college permitted two extra candidates to be admitted in the offline mode without impinging with the eligibility criteria required for admission.

The college accepted the fees from the students and permitted them to attend the classes and it has been submitted that the students have also appeared in the semester-I examination which was held online in the year 2021.

The students were not directly responsible for being admitted in the offline mode by the college. The students were also permitted to attend the classes and appear in the examination. They have paid the necessary fees.

In such a situation keeping the career of the students in mind, this Court directs the University of Burdwan to take necessary steps to consider the prayer of the petitioners for regularization of their admission and for grant of registration certificate in their favour. The University of Burdwan shall check that if there is no impediment on the part of the students for being admitted in the course run by the college, then necessary step shall be taken for issuance of the registration certificate in their favour.

As regards the act of the college in admitting the students contrary to the direction issued by the University of Burdwan, the University will be free to take any steps against the erring college for not following their rules and regulations relating to admission of students.

The students ought not to suffer due to the inadvertent act of the College. The University shall take a decision in the matter within a period of four weeks from

the date of communication of a copy of this order and shall communicate the reasoned order to the petitioners immediately thereafter.

The University shall also take steps to assess and evaluate the answer scripts of the petitioners and publish their results, if the university accords permission to grant registration certificate in favour of the petitioners.

This order shall not be treated as a precedent by the college for taking admission of students in the future contrary to the rules and regulations fixed by the affiliating University.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)