

Item No.45

In The High Court At Calcutta
Constitutional Writ Jurisdiction
(via video conference)

25.08.2021
Ct-24

WPA 12995 of 2021
Dr. B.R. Ambedkar Institute of Education(Trust) & Ors.
v.
The State of West Bengal & Ors.

Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Arka Nandi
Mr. Saikat Sutradhar
... for the petitioners.

Mr. Amitava Chaudhuri
Ms. Monoleena Chaudhuri
Mr. N. Roy
... for the University.

The petitioner No. 1 is a self-financed Educational Institution imparting B.Ed Degree Course. The petitioner No. 2 is the Trustee and Secretary of the Institution and the petitioner No. 3 happens to be the President of the Institution.

According to the provision of Clause 94 of the West Bengal University of Teachers' Training, Education Planning and Administration, First Statutes, 2018 the petitioner applied for appointment of teachers for conducting the education course. The said application was made before the Registrar of the West Bengal University of Teachers' Training, Education Planning and Administration on February 23, 2021.

The petitioner submits that as per the aforesaid First Statutes, 2018 appointment of teachers including Principal of self-financed colleges is to be made on the recommendation of a Selection Committee, constituted by the Vice-chancellor in accordance with the provision of the National for Teachers' Education and University Grants Commission Regulations and Recruitment Rules made thereunder.

The petitioner submits that as per the guidelines given by the Higher Education Department (C.S. Branch) published by way of notification in the Kolkata Gazette Extraordinary on September 23, 2015, every self-financing college is permitted to create as many posts of teachers and non-teaching employees in the college as required and may appoint teachers and non-teaching employees in such post through a transparent selection process.

According to the petitioner, the College cannot run without the teachers and principal being appointed.

The Government of West Bengal Department of Higher Education, College Sponsored Branch published a Memo dated July 13, 2021 wherein it has been mentioned that the process of admission is to be completed by September 30, 2021 and the classes are

to start from October 1, 2021. As the University has not considered the application of the petitioner for selection of the teachers and principal, accordingly, the petitioner is not in a position to start with the courses.

The learned advocate representing the University submits that the University will take steps for consideration of the application made by the petitioner in accordance with the relevant rules and guidelines.

In view of the aforesaid the instant writ petition is disposed of by directing the West Bengal University of Teachers' Training, Education Planning and Administration to take necessary steps for consideration of the application made by the petitioner on February 23, 2021 strictly in accordance with the relevant rules/guidelines/circulars/regulations at the earliest but positively within a period of six weeks from the date of communication of a copy of this order.

The aforesaid respondent shall pass a reasoned order and communicate the same to the petitioner immediately thereafter.

The petitioner is directed to forward a copy of the application made on February 23, 2021 along with the relevant regulations/rules relied upon at the time of communicating the order of this Court.

WPA 12995 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties after completion of all legal formalities.

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(Amrita Sinha, J.)