

Court No. 22
9.11.2022
(Item No. 23)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 21413 of 2022

The President, Kabitirtha College, Bakshipalli & Ors.
VS
The State of West Bengal & Ors.

Mr. Amarendra Nath Ray
Mr. Zafirul Islam
Mr. N. C. Dey
..... for the petitioners

Affidavit of service filed in Court, is taken on record.

Pursuant to the direction made on October 31, 2022 notice has duly been served upon the Rabindra Bharati University.

The petitioners College claims renewal of its approval as a Fine Arts College from the respondent No. 2.

This is the second round of writ litigation. In the first round the issue travelled up to the Hon'ble Division Bench. The Division Bench by its order dated March 29, 2016, **Annexure P-7** to the writ petition directed the respondent No. 3 to pass a reasoned order on the issue.

Mr. Amarendra Nath Ray, learned advocate appearing for the writ petitioners drew attention of this Court to **Annexure P-8** to the writ petition and submitted that, despite their being a hearing notice issued by the University authority the same was

subsequently adjourned at their behest and was fixed on June 25, 2016. Thereafter no step was taken.

Despite notice none appears to represent the respondent Nos. 2 & 3.

In view of the above, prima facie, this Court is satisfied that there was a willful disobedience of the direction of the Division Bench of this Court on the part of the respondent No. 3 for non-compliance of such direction.

In view of the above, the respondent No. 3 once again is directed to consider the representation dated August 29, 2022, **Annexure P-10** to the writ petition upon giving at least seven days prior hearing notice to the petitioners and after giving an opportunity of hearing to the petitioners shall pass its reasoned decision/order on the issue.

The entire exercise as directed above, shall be carried out and completed by the respondent No. 2 positively within a period of three weeks from the date of communication of this order and then the respondent No. 2 shall communicate the reasoned decision/order to the petitioners within a further period of one week from the date of the said reasoned order to be passed.

In the event, the reasoned order goes in favour of the petitioners then the respondent Nos. 2 and 3 shall take and carry out all consequential steps in favour of the writ petitioners positively within a

further period of two weeks from the date of communication of the said reasoned order. These directions are mandatory upon the respondent Nos. 2 and 3.

It is made clear that, this Court has not gone into the merit of the claim of the writ petitioners in any manner. All points are kept open for the petitioners to urge before the respondent No. 3. The petitioners will be at liberty to rely upon whatever documents and record they wish to rely upon.

Since affidavits are not called for the allegations made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 21413 of 2022** stands disposed of.

There shall, however, be no order as to costs.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Aniruddha Roy, J.)