

26 30.9.2022
AB Ct. no.22

WPA 22808 OF 2022

CKR Institution of Education
& Ors.

Vs.

The State of West Bengal & Ors.

Mr. Subir Sanyal
Ms. Sumouli Sarkar
Mr. Mrinmoy Chakrabarti
Mr. Sagnik Roy Chowdhury.

....For the Petitioners

Mr. Swapan Kr. Datta
Mr. Dipankar Das Gupta.

....For the State

Mr. Amitabrata Ray
Mr. Pradip Kumar Ghosh.

....For the Respondent/
Nos. 4 and 5

The first petitioner is a College engaged in imparting Bachelor of Education Course (B.Ed. Course) in the District at Nadia.

The first petitioner all along was affiliated with the respondent no.4. The affiliation all along stands for one year. For the academic year 2022-23, the petitioner applied for affiliation through the official portal of the respondent no.4, **Annexure-P6** to the writ petition.

The respondent no.4 issued its notice dated August 27, 2022, **Annexure-P8** to the writ petition, and a revised notice dated September 15, 2022, **Annexure-P11** to the writ petition. The revised notice prevails upon. The

revised notice had fixed the cut-off date for the B.Ed. Course 2022-24 in the self-financed colleges which includes the first petitioner.

It is submitted on behalf of the writ petitioners that despite all endeavour made on the part of the petitioners, the application fee for renewal of affiliation for a sum of Rs. 1 lakh which was supposed to be paid through the portal, could not be paid for the reasons which were beyond the control of the petitioners. The petitioners also did not receive any intimation with regard to the approval of its application submitted through the portal and for making the consequential payment of requisite fees for renewal of affiliation.

The petitioners ultimately manually paid a sum of Rs.1 lakh being the requisite fees directly to the credit of the bank account of the respondent no.4, **Annexure-P9** to the writ petition. It is submitted that the admission in the B.Ed. Course as a whole, under the respondent no.4, is an ongoing process. The same has concluded on September 29, 2022.

The petitioners received an e-mail communication dated September 9, 2022 from the Registrar of the respondent no.4 intimating that, principally, on the ground of non-payment of the application fee, the affiliation could not be renewed for the first petitioner for undertaking the B.Ed. Course.

The petitioners submitted that in such circumstance despite having all *bona fide* on the part of the petitioners and despite depositing the application fee to the credit of the bank account of the respondent no.4, the respondent no.4 should treat such deposit on account of the application fee for renewal of affiliation to the first petitioner and accordingly should renew such affiliation to the petitioner, so that the first petitioner can admit students for the ensuing B.Ed. Course for 2022-2024.

Mr. Amitabrata Ray, learned counsel appearing for the respondent no.4 submitted that, since the portal is closed already, it is difficult for the respondent no.4 to treat the said payment as the application fee for renewal of affiliation, which the petitioners had defaulted already. He further submitted that, since the portal had been closed already, no further admission process can be undertaken by the first petitioner under the respondent no.4.

Considering the rival submissions made on behalf of the appearing parties and considering the materials on record, it appears to this Court that, at the end of the day the B.Ed. Course will be pursued by the students of the society at large. The future of several students, at least hundred number of students, are dependant who may be admitted and may pursue their B.Ed. Course through the first petitioner College. Such a glaring and alarming factor should not be lost sight of this Court.

Inasmuch as, the petitioner had already deposited the requisite sum though manually, but to the credit of the bank account of the respondent no.4. The respondent no.4 is no doubt the beneficiary of the said amount.

In view of the above, the respondent no.4 is directed to treat this sum of Rs.1 lakh already paid by the first petitioner manually to the credit of the account of the respondent no.4, as would be evident from **Annexure-P9** to the writ petition, as the application fee for renewal of affiliation of the first petitioner to under take B.Ed. Course for the academic session 2022-23 under the affiliation of the respondent no.4 for the period 2022-24.

Mr. Amitabrata Ray, learned counsel appearing for the respondent no.4 obtained instruction, as directed by this Court, from his client that ***upon treating the said payment as the application fee deposited by the petitioner, the first petitioner shall be allowed to proceed with the admission process for the B.Ed. Course for the academic session 2022-23 manually but strictly in accordance with the guidelines framed by the respondent no.4 for the same save and except the process would be on manual basis and not through the portal. All the rounds of counseling shall be done manually for this particular B.Ed. Course by the first petitioner only.***

The respondent no.4 shall forthwith renew the affiliation of the first petitioner for the academic session 2022-23 with an immediate effect from today i.e. September 30, 2022.

The admission process is extended for the petitioner only till 6-00 P.M. on September 30, 2022 and all the papers and drafts/online transfer proof of admission fees has to be submitted to the University by October 1, 2022 within 1.00 P.M.

This order is restricted insofar as the renewal of affiliation and the manual admission process for the first petitioner only.

On the above terms this writ petition **WPA 22808 of 2022** stands disposed of, without any order as to costs.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)