

Court No. 22
04.11.2022
(Item No. 6)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 23278 of 2022

Nibedita Patra & Ors.
VS
The West Bengal University of Teachers' Training
Education, Planning and Administration & Ors.

Mr. Biswaroop Bhattacharya
Mr. Victor Chatterjee
..... for the petitioners
Mr. Amitabrata Roy
Mr. Pradip Kumar Ghosh
..... for respondent No. 1
Mr. Soumya Majumder
Ms. Sanjukta Dutta
..... for respondent No. 2
Mr. Subir Sanyal
Ms. Sumouli Sarkar
Mr. Sagnik Roy Chowdhury
..... for respondent No. 4

This writ petition has been filed by four intending students who wish to pursue their **B.Ed.** course for the academic session 2022-2024 with the respondent No. 2. The petitioners claimed that they had duly applied through online process and deposited the necessary fees with the respondent No. 1 as would be evident from **Annexure P-3** to the writ petition. The petitioners now claim that the College authorities have not forwarded their applications to the respondent No. 1 for completion of their registration process. Such grievance had led the petitioners to apply before this Court through the instant writ petition.

Mr. Soumya Majumder, learned counsel on instruction claims to represent one group of the College Management. Similarly, Ms. Sumouli Sarkar, learned advocate led by Mr. Subir Sanyal, learned counsel on instruction claims to represent the other group of the management of the College through the present Secretary of the management of the College Mr. Ataur Rahaman. She submits that, the College had received and accepted fees from 79 number of students for the said course and had duly forwarded their recommendation before the relevant University through its official e-mail Id. for registration. She further submits that in so far as these four writ petitioners are concerned the College authority did not receive any amount or application for the course and the College authority is not aware of anything as to these four writ petitioners. Per contra Mr. Soumya Majumder, learned counsel representing the other group of the management submitted that, the application and the relevant fees were received from the four writ petitioners also as per the rules of the admission by the College.

Mr. Amitabrata Roy, learned counsel appearing for the respondent No. 1 submits that, a serious fraud was practiced at the behest of these writ petitioners and the College authority. He submitted that, whatever applications and fees were forwarded to the University by the College authority they had taken

steps for completion of their registration process. In so far as these four writ petitioners are concerned, the learned counsel appearing for the relevant University raised several factual disputes and submitted that, the case made out by the writ petitioners are not *bona fide* or genuine and the petitioners had not applied in accordance with the relevant rules of the University. Mr. Roy further submitted that, no date has yet been fixed for second round of counseling for the course.

Considering the rival contentions of the parties and upon perusal of the materials on record it appears to this Court that, at this stage justice would be sub-served if the Registrar of the respondent No. 1 is directed to address the issue upon considering all the facts and documents to be produced by these four writ petitioners before him and after giving them an opportunity of hearing and then shall pass his reasoned decision/order on the issue. The College authority will also be at liberty to participate in this hearing, but of course, their participation will be restricted only to the extent of production of any record or documents as would be necessary to be produced in terms of the direction to be made by the Registrar of the respondent No. 1 and not beyond that.

In the event, the decision of the Registrar of the respondent No. 1 goes in favour of the four writ petitioners the College authority and the respondent

No. 1 shall carry out and take all consequential steps for completion of their registration process positively within a further period of two days from the date of communication of the aid reasoned order.

Considering the agony of the students mainly the four writ petitioners herein to pursue their course, the Registrar of the respondent No. 1 shall commence and conclude the entire exercise as directed above positively on or before November 12, 2022 and shall communicate its reasoned order to all the parties concerned who would be represented before him within two days thereafter.

It is made clear that, this Court has not gone into the merit of the claim of the petitioners. This order will be restricted only for the four writ petitioners herein and not beyond that. The petitioners shall be at liberty to urge all the points before the respondent No. 1 and shall also be at liberty to rely upon whatever documents and records 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.

It is made clear that, this order shall not create any equity in favour of the four writ petitioners. The entire exercise to be carried out by the Registrar of the respondent No. 1 strictly in accordance with law.

It is further made clear that, the four writ petitioners also may be represented through a common authorized representative at the time of hearing as directed above.

On the above terms, this writ petition being **WPA 23278 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.)