

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CIVIL APPELLATE JURISDICTION**

**MAT 60 of 2022
With
IA. No. CAN 1 of 2022**

**Alipurduar B.Ed. Training College
Vs.
State of West Bengal & Ors.**

**Mr. Jayanta Mitra, Ld. Sr. Adv.
Mr. Debashis Kundu
Mr. R.N. Barik
Ms. Ayushi Kundu**

.....for the Appellant

**Mr. Amritabrata Roy
Mr. Pradip Kumar Ghosh
....for the Respondent/University**

**Mr. Sauvik Nandy
....for the NCTE**

Mr. A. Sengupta

**....for the proposed added
party/applicant**

Party/Parties is/are represented in the order of
their name/names as printed above in the cause-title.

Under challenge in this appeal is the order of the
Hon'ble Single Bench sitting in Circuit at Jalpaiguri
dated 15th June, 2022 passed in the writ petition being
WPA 1195 of 2022 with CAN 1 of 2022.

By the said impugned order the Hon'ble Single
Bench was pleased to refuse the petitioner, which is a
B.Ed. College at Alipurduar, the interim order as
prayed for staying the operation of the order dated 17th

May, 2022 of the West Bengal University of Teacher's Training, Education Planning and Administration (for short referred to as University only) refusing to continue the affiliation of the said B.Ed. College for the academic year 2022-2023.

Although the management of the said B.Ed. College has been a seriously contentious issue for long and, such issue has been the subject of intense litigation as evident from several earlier orders of the Hon'ble Court, for the present, Mr. Jayanta Mitra, learned Senior Advocate appearing for the said B.Ed. College, draws the attention of this Court to an Inspection Report of the University dated 16th December, 2021 by which the University was satisfied that the said B.Ed. College fulfilled the conditions for being recognised as a B.Ed. College by the National Council for Teacher Education (for short the *NCTE*). Accordingly, the University decided to continue the affiliation granted to the said B.Ed. College.

However, by the said impugned letter dated 17th May, 2022, the University through its Registrar wrote to the Principal of the said B.Ed. College withholding affiliation for the academic year 2022-2023 on the ground of alleged *commercialisation of Teacher*

Education pursuant to a change in management of the said B.Ed. College.

Mr. Mitra submits that by issuing the said impugned order dated 17th May, 2022, the University transgressed jurisdiction inasmuch as the University has specifically referred to the fact that the *NCTE* Regulations contain no specific provision which require a consideration of a request for change of management of a recognised affiliated college.

It is submitted by the appellant and reiterated by Mr. Nandy, learned Counsel for the *NCTE*, that the affiliation of a college should follow as a matter of course, in the event recognition granted by the *NCTE* stands. Accordingly, it is submitted by learned Senior Counsel for the Appellant that a change of management of the said B.Ed. College cannot be a ground for the University to act *suo motu* in withholding its affiliation, particularly when its most recent inspection in December, 2021 found no difficulty in continuing such affiliation since the said B.Ed. College had complied with the necessary criteria required for the affiliation.

Mr. Roy, learned Counsel appearing for the University, submits that the change of management has led to a position where the said B.Ed. College is

devoid of both infrastructure and personnel. Accordingly, till infrastructure and personnel are shown to exist, the affiliation cannot be granted in a void. Therefore, the affiliation has been withheld for the present on the ground cited in the said impugned letter dated 17th May, 2022.

For the Proposed Added Party/Applicant, Mr. Sengupta, learned Advocate appears and points out that the Proposed Added Party/Applicant, one Mr. Sajal Sarkar, has been wrongly ousted from his position as President of the Governing Body of the former management of the said B.Ed. College. The Proposed Added Party/Applicant seeks a fresh election to the management of the said B.Ed. College and, it is submitted, that for such purpose necessary legal steps are being taken.

Having heard the parties and considering the materials placed, this Court finds that the letter impugned dated 17th May, 2022 was required to be stayed by the Hon'ble Single Bench considering the overall requirement of the said B.Ed. College to function and cater to its students. The fact is not lost on this Court that the self-same University which had carried out its inspection in December, 2021 and found the said B.Ed. College to be in possession of

necessary infrastructure and having met the criteria necessary for functioning as an affiliated college, could not be suddenly dis-affiliated on the basis of a ground which does not exist in the *NCTE* Regulations.

This Court further finds that the University is required to carry on with the affiliation in terms of the visible criteria noticed during its Inspection of December, 2021, at least till such Report of Inspection is superseded by any other lawful exercise.

Accordingly, this Court stays the operation of the order dated 17th May, 2022 until further orders.

This Court further directs the *NCTE* through the Respondent No. 6 to conduct an inspection of the said B.Ed. College within a period of eight weeks from this date. The District Magistrate, Alipurduar shall be co-opted by the Respondent No. 6 for the ends of such inspection.

The *NCTE* shall submit its Report before the Hon'ble Single Bench which will be in *seisin* of the writ petition.

Parties will be at liberty to apply before the Hon'ble Single Bench for variation and/or vacating this order of stay, **strictly** upon notice to each other.

Before parting with this discussion, this Court must note that notwithstanding the limited discussion in the order impugned dated 15th June, 2022 by the Hon'ble Single Bench inviting Affidavits, this Court is of the view that the appeal is maintainable since denial of the interim order has affected the substantive right of the said B.Ed. College to continue to function as a B. Ed. College as well as the overwhelming requirement of the students to maintain the continuity in their academic careers. The appeal is thus treated to be maintainable and, having regard to the directions passed above, both the **appeal** being **MAT 60 of 2022** and the **connected application** being **CAN 1 of 2022** stand **disposed of**.

Since further affidavits are not invited, other allegations stand accordingly deemed to be denied.

Parties shall be at liberty to file their Affidavits as directed by the Hon'ble Single Bench.

All parties to act on a server copy of this order downloaded from the official website of this Court.

(Lapita Banerji, J.)

(Subrata Talukdar, J)