

21 05-01-2023
AKG
Ct. 238

WPA 85 of 2023
Mother Teresa College of Education & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Soumya Majumdar,
Mr. Arkadipta Sengupta,
Mr. Deboleena Ghosh
...for the Petitioner

Mr. Swpan Kr. Datta,
Mr. Tapas Kr. Mandal
...for the State

Mr. Amitabrata Roy,
Mr. Pradip Kr. Ghosh
...for University

Petitioner no. 1 is a B.Ed. College recognised by National Council for Teacher Education (NCTE). The college got recognition from the said Council for intake of additional fifty students.

The affiliation by Baba Saheb Ambedkar Education University was, however, withheld since the certain deficiencies pointed out by the University at the first inspection carried out on 23rd August, 2022 were not cured by the college. Following an order dated November 14, 2022 passed by this Court in the earlier round of writ petition, a further inspection was carried out by the University on 12th December, 2022. After the inspection, it was found that the college has cured the deficiencies as pointed out earlier. Accordingly, the University granted the affiliation to the college on 12th December, 2022 for intake of additional fifty students.

This writ petition has been moved with a prayer to allow the college to admit additional fifty students for the academic session 2022-2024 in terms of its increased intake capacity.

Learned advocate appearing on behalf of the University opposes the prayer. It has been submitted by the University that the first semester of the said academic session already commenced from October 11, 2022 and the examination is scheduled to be held on and from March 14, 2023. There has to be “effective teaching work” of 16 weeks excluding admission and semester examination as per National Council for Teacher Education Regulations. If the petitioner no. 1 is permitted to admit the students at this juncture, the requirement of “effective teaching work of 16 weeks” cannot be complied with. The college suggests that it would arrange for extra classes for the students to meet the said requirement.

I am not inclined to entertain the prayer of the petitioner.

For whatever reason, the University granted affiliation to the college for intake of additional fifty students only on December 12, 2022. The college cannot of its own mould the curriculum/course structure framed by the University or the National

Council for Teacher Education to allow the students to appear in the examination.

Fact remains that the first semester has substantially progressed. The last date of admission for the first semester was on 29th semester, 2022 and the admission procedure has been completed for all the colleges affiliated to the University.

At this juncture, permitting the college to admit the students will violate the time schedule fixed by the University and the same will also interfere with the course structure evolved by the National Council for Teacher Education for B.Ed. Degree.

I do not see any right of the college to admit the students by interfering with the time schedule and the course structure designed by the University and National Council for Teacher Education.

Needless to mention that the college will be at liberty to admit the students for the next academic session in accordance with law.

Accordingly, WPA 85 of 2023 is dismissed.

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

(Kausik Chanda, J.)

