

10.01.2023

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WPA 720 of 2023

Sri Anish Chakraborty & Anr.
Vs.
State of West Bengal & Ors.

Mr. P.S. Bhattacharya, Sr. Advocate,
Mr. Mani Sankar Chattopadhyay
... For the petitioners.

Mr. Soumya Majumder
Mr. Suranjan Dasgupta
Mr. Uttam Kumar Mandal
... For the University.

Mr. Swapan Kumar Datta, AGP,
Mr. Subhabrata Das
... For the State.

The prayer for renewal of affiliation to M/s Seacom Marine College was declined by Moulana Abul Kalam Azad University of Technology. The petitioners approached this Court by filing a writ petition. The writ petition was disposed of with a direction dated December 12, 2022 upon the University to renew the affiliation as an interim measure upon furnishing certain undertakings by the College.

The College, accordingly, submitted the undertakings to the University. The University in turn renewed the affiliation for a period of six months. The University, however, in the said order indicated that no students could be admitted for the academic session 2022-2023.

Mr. Bhattacharya, learned Senior Advocate, representing the petitioners submits that said additional condition has been passed in the teeth of the order dated December 12, 2022 passed in the earlier writ petition.

Mr. Bhattacharya further submits that a meeting of the executive committee for the purpose of granting affiliation was held on 5th January, 2023 which is also beyond the scope of the order passed in the earlier writ petition. There is no statutory bar to admit students after the affiliation has been renewed for the relevant academic session. Since this Court has directed the University to renew the affiliation as an interim measure for the academic sessions 2022-2023, the College cannot be prevented from admitting the students for the said academic session.

It has been submitted by Mr. Majumder, learned advocate representing the University that last date of admission for academic sessions 2022-2023 was 30th November, 2022. The first semester of the said academic session is on the verge of completion. The practical examination is scheduled to be held from 1st February, 2023 to 6th February, 2023 and the theoretical examination is scheduled to be held from 7th February, 2023 to 15th February, 2023. At this

juncture, the College should not be permitted to admit new students for academic sessions of 2022-2023.

I am not inclined to accept the contention of Mr. Bhattacharya. The said order dated December 12, 2022 was passed keeping in mind the interest of the existing students of the University. By the said order, the College was not authorised to admit the students beyond the last date for admission.

The admission of the students in the midst of the session will not enable them to undergo the required teaching hours before the examination. The students should not be allowed to take part in the examination without attending required number of classes in breach of the prescribed course structure by the University.

Accordingly, WPA 720 of 2023 is dismissed.

There will be no order as to costs.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)