

32 16-01-2023
AKG
Ct. 238

WPA 786 of 2023
Mirza Noor Mahammad College of Education & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Lutful Haque	...for the Petitioner
Mr. Swapan Kr. Datta, Mr. Tapas Kr. Mandal	
	...for the State
Mr. Amitabrata Roy, Mr. Pradip Kumar Ghosh	
	...for University
Mr. Sauvik Nandy	
	...for N.C.T.E.

Petitioner no. 1 is a B.Ed. College recognised by National Council for Teacher Education (NCTE).

On December 19, 2022, in the earlier round of this writ petition, this Court passed the following order :-

Accordingly, this writ petition being WPA 786 of 2023 is disposed of with a direction upon the University to accept the fees of Rs.1 lakh within three days from date. The petitioner no. 1 will pay a sum of Rs. 20,000/- to the University as a cost for inconvenience caused to the University for the belated approach by the petitioner no. 1. Since the portal of the University does not accept belated payment, the petitioner no. 1 will be at liberty to make such deposits manually. If such deposits are made within three days from date, the University will consider the application for renewal in accordance with law.

In compliance with the said order, the University

has granted affiliation to the college for the academic session 2022-2024.

This writ petition has been moved with a prayer to allow the college to admit students for the academic session 2022-2024 following the affiliation granted by the University.

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.

The University has placed reliance on the judgment reported at *(2013)2 SCC 617 (Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh)* to argue that the college in question cannot vary the schedule fixed by the petitioner/council for teachers education or the University for any whatsoever.

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

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 September, 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 786 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.

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(Kausik Chanda, J.)