

33 16-01-2023  
AKG  
Ct. 238

**WPA 790 of 2023**  
**M.N.M. Teachers Training College & Anr.**  
**Vs.**  
**The State of West Bengal & Ors.**

|                                                |                       |
|------------------------------------------------|-----------------------|
| Mr. Lutful Haque                               | ...for the Petitioner |
| Mr. Amitabrata Roy,<br>Mr. Pradip Kumar Ghosh  |                       |
|                                                | ...for University     |
| Mr. Swpan Kr. Datta,<br>Mr. Dipankar Das Gupta |                       |
|                                                | ...for the State      |
| Mr. Sauvik Nandy                               |                       |
|                                                | ...for N.C.T.E.       |

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

It is not in dispute though the relevant college has a sanctioned strength of 100 students, in the counseling process, only 55 candidates applied for admission to the said college and ultimately, 49 candidates took admission. By filing this writ petition, the petitioners seek another round of counseling to be held so that the vacant seats are filled up.

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 any students at this juncture, the requirement of “effective teaching work of 16 weeks” cannot be complied with.

The University has placed reliance on the judgment reported at *(2013)2 SCC 617 Para – 87.4 (Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh )* to argue that the college in question cannot vary the schedule fixed by the Council or the University for any reason whatsoever.

The petitioners suggest that they would arrange for extra classes for the students to meet the said requirement.

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

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 29<sup>th</sup> 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 790 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.)**