

05.07.2023
Item No. 210
Ct. No. 238
AKG

WPA 2658 of 2023
Jyotirmoy Mallick
Versus
The State of West Bengal & Ors.

Mr. Bikram Banerjee	...for the Petitioner
Mr. Nilotpal Chatterjee, Mr. Sourabh Sengupta, Mr. Satyaki Banerjee	...for the University
Mr. Anil Kr. Gupta	...for UGC

Let the affidavits filed by the College, University and the University Grant Commission be kept with the records.

The petitioner sought admission to Masters of Business Administration (MBA), a two-year-full time post graduate course conducted by the University of Calcutta. Though he was granted a provisional admission, subsequently, the university found him to be ineligible for the admission. The petitioner challenges the said decision of the university.

The qualification for the post in question as mentioned in the relevant advertisement reads :

“Hons. (10+2) or Bachelor Degree in Engineering and Technology/Medical Sciences/Professional Courses/or its equivalent from any recognized University”

It has been submitted by Mr. Bikram Banerjee, learned advocate appearing for the petitioner that the petitioner has successfully completed Bachelor of Library & Information Science (BLIS) course from Netaji Subhas Open University after his three-year graduate course (B.Sc.) from Calcutta University. Therefore, the qualification of the petitioner should be treated as equivalent to the qualifications mentioned in the advertisement.

He further submits that the Netaji Subhas Open University considers the BLIS course to be a professional course. Therefore, the petitioner is eligible for the admission in terms of the advertisement.

Mr. Nilotpal Chatterjee, learned advocate representing college, on the other hand, submits that the advertisement makes it clear that the course in question was open to the honours graduates or professionals such as engineers and doctors.

He also submits that one-year BLIS course cannot be treated as equivalent to the other qualifications in the advertisement.

Mr. Chatterjee further submits that the Calcutta University Act, 1979 defines “professional subject” as follows :

““professional subject” means any of the following subjects, namely, law, medicine, dental science,

homoeopathy, ayurved, engineering, teachers' training, technology, agriculture, journalism, management studies or such other subject as may be prescribed by Regulations"

He submits that, therefore, the university has rightly declined admission to the petitioner.

I am unable to grant any relief to the writ petitioner in view of the aforesaid definition.

The term "professional subject" may be perceived differently by different authorities. The university was within its rights and rather obliged to decide whether BLIS could be considered as a "professional subject" in the light of the said restrictive definition provided under the Calcutta University Act, 1979.

Since the qualification of the petitioner does not come within the scope of "professional subject" as defined under the Calcutta University Act, 1979, no fault can be found with the university in not treating the "BLIS" qualification to be a professional subject.

I am also of the view that one-year BLIS degree obtained by the petitioner from Netaji Subhas Open University cannot be treated as an equivalent to a honours degree or the other professional degrees in Engineering or Medical as mentioned in the advertisement.

Accordingly, **WPA 2658 of 2023** is disposed of.

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.)