

04.4.2023

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WPA 8313 of 2023

Basantika Institute of Engineering
and Technology (Polytechnic)

Vs.

The State of West Bengal & Ors.

Mr. Mohit Gupta

Ms. Sneha Dutta

... For the petitioner.

Mr. Tapan Kr. Mukherjee, Sr. Advocate,

Mr. Suman Dey

... For respondent nos. 2-5.

The petitioner is a college under the “West Bengal State Council of Technical & Vocational Education & Skill Development” (“the council” in short) that offers diploma courses in a variety of engineering streams as well as in pharmacy.

The petitioner asserts that in the process of validating the names of its students for registration under respondent no. 2, the date of admission for total thirty-nine students of the first semester and third semester was inadvertently recorded after the cut-off date for admission of November 16, 2022, for the academic year 2022-2023.

The learned advocate representing the petitioner contends that the aforementioned mistake was made in good faith, as all of the affected students had been

admitted prior to the cut-off date for admission, which was November 16, 2022.

Mr. Tapan Kr. Mukherjee, a learned senior advocate representing respondent nos. 2 to 5, refutes the college's assertion that the cut-off date for admission was inaccurately stated.

He argues that due to the college's belated admission of those students beyond the cut-off date, the council did not grant them registration numbers, and consequently, did not allow them to sit for the examination by issuing admit cards.

However, the council has taken a stand before this court that if those students are otherwise found eligible for admission, they will be granted registration and permitted to sit for a special examination. The examinations for the first and third semesters have already commenced as of April 04, 2023. Following the conclusion of these examinations, the council may arrange for a separate examination for the affected students. However, he maintains that the council will incur additional expenses in conducting such a special examination.

Given the council's stand, there is nothing further to be decided in this writ petition.

Thus, this writ petition is allowed with a directive to respondent no. 2 to conduct a separate examination

for the affected students during the first week of May 2023. Respondent no. 2 shall publish notice of the examination schedule on its website at least seven days before the start of the examination.

This writ petition is allowed based on the equitable stance taken by respondent no. 2. However, the court also believes that the college should be ordered to pay a sum of Rs. 5,00,000/- (rupees five lakh) to compensate respondent no. 2 for the additional expenses that will be incurred in conducting the special examination.

This order will be implemented provided that the college deposits the payment within two weeks from the date of this order.

With the aforesaid directions, **WPA 8313 of 2023** is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)