

20.04.2023
(S/L-24)
Ct.-22
(Susanta)

W.P.A. 8750 of 2023

Global Institute of Management and Technology
-Vs-
The State of West Bengal & Ors.

Mr. Mani Sankar Chattopadhyay,
Mr. Sankar Halder,
.... For the petitioner.

Mr. Tapan Kumar Mukherjee,
Mr. Suman Dey,
.... For the Respondent Nos. 2 & 3.

Mr. Swapan Kumar Dutta,
Mr. Dipankar Das Gupta,
.... For the State Respondents.

Affidavit-of-service filed in Court today, is
taken record.

The petitioner is the college. It is imparting
Civil and Mechanical Engineering Diploma
Course. The petitioner contended that it had
applied and uploaded all the documents on or
before March 31, 2023.

The petitioner contended that even
thereafter the respondent no. 2/ Council has not
issued the Registration Certificate/Admit Card
to its students for participating in the
examination for academic year 2022-2023 for
the 1st & 2nd semester courses.

Further petitioner contended that out of
68 number of students only 33 number of
students had received the Registration

Certificate and the rest 35 number of students were not provided with the Registration Certificate.

Mr. Mani Sankar Chattopadhyay, learned Counsel appearing for the petitioner drew attention of this Court to **Annexure P-5 at page 223** to the writ petition and submitted that by way of e-mail communication dated April 1, 2023 the Council informed the petitioner-college that the documents which were submitted were incomplete/inaccurate and as such due process was not followed during the admission.

Learned Counsel further submitted that no reason was furnished to support the allegation for incompleteness/inaccuracy in the submission of documents by the college.

The petitioner claimed issuance of Registration Certificate/Admit Card for the 35 number of students and to allow them to participate in the 1st & 2nd Semester for the Academic year 2022-2023.

The petitioner further contended that as of now no date for the examination had been declared by the Council.

Mr. Tapan Kumar Mukherjee, learned Senior Counsel appearing for the respondent Nos. 2 & 3 submitted that all those 35 number of students were admitted by the college after

cut of date of admission which was fixed on November 17, 2022.

Mr. Mukherjee further submitted on instruction that the Council would conduct a fresh examination for the said 35 number of students as original examination fixed had already been held and over.

In course of argument, the attention of this Court was drawn to another order passed by a Co-ordinate Bench dated April 4, 2023 in **WPA 8188 of 2023** wherefrom it appears that a Co-ordinate Bench had directed to hold fresh examination for said students during the 1st week of May, 2023.

Mr. Mani Sankar Chattopadhyay, drawing attention of this Court at **page 17 to the writ petition** submitted that for both the 1st & 2nd semester for the academic session 2022-2023 the last date for submission of the admission status was November 30, 2022.

After considering the submissions for the appearing parties and upon considering the materials on record, it appeared to the Court that the interest of the students are involved. This Court is of the view that, the interest of the students should not suffer for the executive battle in between the college authority and the Council.

In view of the above, as directed by the Coordinate Bench in its order dated April 4, 2023 passed in WPA 8188 of 2023 this Court adopt the same direction and directs the Council to hold the necessary examination during the 1st week of May.

To subserve the justice, the respondent nos. 2 & 3 are directed to issue provisional Registration Certificate/Admit Card to such 35 number of students, particulars of whom shall be available from pages 117 to 221 to this writ petition forthwith and positively on or before April 30, 2023.

The petitioner-college shall also pay a sum of Rs.2,50,000/- (Rupees two lakh fifty thousand) to the respondent no.2 for bearing the necessary costs and expenses.

Subject to the college depositing the said sum of Rs.2,50,000/- (Rupees two lakh fifty thousand) to the respondent no. 2 this order shall be effective.

Since affidavits are not called for, the allegations made in writ petition are deemed not to have been admitted by the respondents.

With the above directions this write petition **WPA 8750 of 2023** stands disposed of without any order as to costs.

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

(Aniruddha Roy, J.)