

17.5.2023

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WPA 10197 of 2023

Aktarul Shaikh & Ors.

Vs.

The State of West Bengal & Ors.

Mr. Atis Kumar Biswas

Ms. Jyoti Agarwal

... For the petitioners.

Mr. Jaydip Kar, Sr. Advocate,

Mr. Soumya Majumder

Mr. Amitabrata Roy

Mr. Pradip Kr. Ghosh

Mr. A. Sengupta

... For the University.

Mr. Swapan Kr. Datta, AGP,

Mr. Sandip Mondal

... For the State.

It is the case of the petitioners that they took admission in the relevant college for a two-year M. Ed. course and deposited requisite fees for admission with the college. The university, however, did not grant them registration for sitting in the upcoming first semester examination. The petitioners say that they are not at fault and the university should allow them to sit in the first semester examination.

Learned advocate appearing for the petitioners by referring a letter dated July 18, 2017 issued by the Registrar of the relevant university submits that on an earlier occasion the university had allowed the students to take admission in the M. Ed. course without

qualifying the Joint Entrance Examination. Therefore, the petitioners in this case should not be discriminated against.

Mr. Jaydip Kar, learned senior advocate with the learned advocate Mr. Amitabrata Roy, appearing for the university vehemently opposes the submissions made by the learned advocate for the petitioners. It has been submitted by the university that the last date for admission in the M. Ed. course for the academic year 2022-2024 was September 12, 2022. All the petitioners have been admitted by the college after the said cut-off date and most importantly they were not admitted to the college through the centralised online counselling process conducted by the university on the basis of their performance in the Joint Entrance Examination. Therefore, their admission in the college was also deemed illegal.

The university submits that to get admission in M. Ed. course, students require to qualify in the entrance test and thereafter they are admitted through online process conducted by the University according to their position in the merit list.

I am of the view that all the petitioners have been admitted through a backdoor entry. They did not qualify the Joint Entrance Examination and their admission did not follow online counselling process.

I am unable to accept the contention of the petitioners. If any illegality is committed by the university in past, it should not be directed to repeat the same in future.

I am unable to grant any relief to the petitioners. An ineligible candidate, if admitted at the behest of the college in violation of selection process, does not acquire the right to continue his studies and complete the course.

Accordingly, **WPA 10197 of 2023** is dismissed.

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

(Kausik Chanda, J.)