

WPA 10441 of 2023
Chakra Teachers Training College & Anr.
Vs.
Baba Saheb Ambedkar Education University & Ors.

Mr. Chandrachur Chatterjee,
Mr. Somdev Ash,
Mr. Alminhaz Karim

...for the Petitioners

Mr. Amitabrata Roy,
Mr. Pradip Kumar Ghosh

...for the University

The communication made to the college by the Registrar of the West Bengal University of Teachers' Training Education Planning and Administration on April 25, 2023, impugned in this writ petition, is set aside. The university is directed to register the relevant students and permit them to sit in the upcoming examination scheduled to be commenced from May 10, 2023 in terms of the order dated April 9, 2023, passed in the earlier round of the writ petition.

The petitioner is a B.Ed. College affiliated to the university since 2019. For the purpose of renewal of the affiliation for the academic year 2022-2023, the college applied on April 20, 2022. The last date for application was August 30, 2022. The application of the college was, however, not accompanied by renewal fees of Rs.1 lakh, and, therefore, the affiliation of the college was not renewed. On November 21, 2022, in an earlier round of

litigation, this Court directed the college to pay the fees of Rs. 1 lakh within three days from the date of the order and further directed the college to pay a further sum of Rs. 10,000/- as a cost for inconvenience caused to the university for the belated approach by the petitioner.

This Court directed that if such fees were paid within three days from the date of the order, the university would consider the application for renewal in accordance with law.

Following the said order, the college deposited Rs. 1 lakh with the college on November 22, 2022 with the additional amount of Rs. 10,000/-. The university accepted the same and affiliation of the college was also renewed for the academic year 2022-2023.

Thereafter some students of the college, who took admission in the college through offline mode, sought a direction from this Court by filing WPA 8719 of 2023 to permit them to allow in the upcoming 1st semester B.Ed. examination scheduled to be commenced from May 10, 2023.

The said writ petition was disposed of with the following orders :-

“By April 24, 2023, the respondent colleges authorities will submit the prescribed applications in respect of the writ petitioners for admission to B. Ed.

Programme for the academic session 2022-2024 along with all admission-related documents, scanned signatures and photos of the writ petitioners in a pen drive and the admission fees of students should be paid by bank draft in favour of BSAEU COLLEGE payable at Kolkata.

Additionally, the colleges would pay Rs. 7,000/- for each writ petitioner as a penalty and the said 3 payment would also have to be made by April 24, 2023, positively. The said payment would also be accepted in Bank Draft in favour of “BSAEU COLLEGE” payable at Kolkata.

The respondent University will prepare the list including the writ petitioners pertaining to their respective colleges.

On April 26, 2023, April 27, 2023, and April 28, 2023, the Principal/Teacher-in-charge of the colleges along with the writ petitioners/students must be present physically before the Registrar of the University with all relevant original documents and Aadhaar card positively before 4-00 p.m. for verifying the testimonials of the writ petitioners.

The college authorities would submit the registration fees and examination fees through Bank Draft in favour of “BSAEU COLLEGE” within April 29, 2023, in respect of the students who are found to be eligible for admission.

The Principal/Teacher-in-charge of the colleges must be present with the documents of affiliation for the year 2022.

This arrangement is restricted to the current academic year and shall not create any precedence in the future.”

The university, however, has thereafter declined to register the students citing clause 67 (2) (iii) of the West Bengal University of Teachers’ Training, Education Planning and Administration, First Statutes, 2018. The

said clause is set out hereinbelow :-

“(iii). no student has been or shall be admitted to any course of instruction in the college in anticipation of affiliation.”

It has been submitted by the university that when the students were admitted in the college, at that relevant point of time, the college had no affiliation and, therefore, the said students are not eligible for registration.

I am unable to accept the contention of the university. The college was affiliated to the university since 2019 and for the academic year 2022-2023 it made an application within due date i.e. August 30, 2022. Following the order dated November 21, 2022, when the affiliation was granted, it applied to the entire academic year 2022-2023.

In that view of the matter, the university shall register the students and permit them to sit in the examination in terms of the order dated April 9, 2023, passed in WPA 8719 of 2023.

WPA 10441 of 2023 is disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance with all requisite formalities.

(Kausik Chanda, J.)

