

04.05.2023
jb.

W.P.A. 10956 of 2023

Tanushree Kotal & Ors.
vs.
The State of West Bengal & Ors.

Mr. Biswaroop Bhattacharya
Ms. Srija Chakraborty
Golam Mohiuddin
.... For the Petitioners
Mr. S. Majumder
Mr. P. K. Ghosh
Mr. Arkadipta Sengupta
.... For the University
Mr. Rajat Dutta
.... For the State
Mr. Souvik Nandy
.... For the NCTE

The relevant college applied for its renewal of affiliation for the academic year 2022-24 before the University without necessary fees.

Pursuant to an order dated December 19, 2022 passed in W.P.A. 27849 of 2022 the college was granted affiliation for the academic year 2022-24. Thereafter some students approached this Court seeking their registration under the University and for a permission to allow them to appear in the upcoming B.Ed. examination. The said writ petition was disposed of on April 26, 2023 with a direction upon the university to register the students and to permit them to appear in

the upcoming B.Ed. examination subject to verification of their credentials by the University. The University, however, declined to admit them following the said order dated April 26, 2023 passed in W.P.A. 10069 of 2023 on the ground that all the students had been admitted after December 19, 2022 and they had not attended the required numbers of classes.

Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioners submits that this case is covered by a judgement and order passed by this Court on 28th April, 2023 in W.P.A. 10441 of 2023.

Learned advocate appearing for the University on the other hand, has drawn the attention of this Court to an order dated January 16, 2023 passed in W.P.A. 786 of 2023 (Mirza Noor Mahammad College of Education & Anr. vs. State of West Bengal & Ors.). The relevant portion of the said order is quoted below:

“Fact remains that the first semester has substantially progressed. The last date of admission for the first semester was on 29th September, 2022 and the admission procedure has been completed for all the colleges affiliated to the University.

At this juncture, permitting the college to admit the students will violate the time schedule fixed by the University and the same will also interfere with the course structure evolved by the National Council for Teacher Education for B.Ed. Degree.

I do not see any right of the college to admit the students by interfering with the time schedule and the

course structure designed by the University and National Council for Teacher Education.

Needless to mention that the college will be at liberty to admit the students for the next academic session in accordance with law.

Accordingly, WPA 786 of 2023 is dismissed”

This writ petition unfortunately, does not disclose the said order dated January 16, 2023. The said suppression is material one and it does not appear that the petitioners have approached this Court with a clean hand to seek the equitable relief. It has been submitted by Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioners that the petitioner in the earlier case was the college and in the present case the petitioners are the students of the said college.

Though the college is arrayed as a respondent in the present writ petition, it is conveniently absent before this Court. The collusion between the petitioners and the college is apparent. It is not acceptable before the Court that the students (the petitioners herein) who have been admitted by the college are not aware of the order dated January 16, 2023.

This writ petition being **W.P.A. 10956 of 2023** is accordingly dismissed for the material suppression of fact.

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

(Kausik Chanda, J.)