

04.05.2023
jb.

W.P.A. 10959 of 2023

Sumita Parya & 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

This writ petition is liable to be dismissed for the suppression of material fact. It appears that the petitioners obtained the orders to register their names and permit them to sit in the B. Ed. examination from this Court on April 26, 2023 by filing two writ petitions, W.P.A. 9791 of 2023 and W.P.A. 10069 of 2023.

In those two writ petitions it was conveniently suppressed before this Court that in respect of the relevant college this Court on January 16, 2023 in W.P.A. 790 of 2023 passed the following order:

“ Petitioner no. 1 is a B.Ed. College recognised by National Council for Teacher Education (NCTE).

It is not in dispute though the relevant college has a sanctioned strength of 100 students, in the counseling process, only 55 candidates applied for admission to the said college and ultimately, 49 candidates took admission. By filing this writ petition, the petitioners seek another round of counseling to be held so that the vacant seats are filled up.

Learned advocate appearing on behalf of the University opposes the prayer. It has been submitted by the University that the first semester of the said academic session already commenced from October 11, 2022 and the examination is scheduled to be held on and from March 14, 2023. There has to be “effective teaching work of 16 weeks” excluding admission and semester examination as per National Council for Teacher Education Regulations. If the petitioner no. 1 is permitted to admit any students at this juncture, the requirement of “effective teaching work of 16 weeks” cannot be complied with.

The University has placed reliance on the judgment reported at (2013)2 SCC 617 Para – 87.4 (Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh) to argue that the college in question cannot vary the schedule fixed by the

Council or the University for any reason whatsoever.

The petitioners suggest that they would arrange for extra classes for the students to meet the said requirement.

I am not inclined to entertain the prayer of the petitioners.

The college cannot of its own mould the curriculum/course structure framed by the University or the National Council for Teacher Education to allow the students to appear in the examination.

Fact remains that the first semester has substantially progressed. The last date of admission for the first semester was on 29th semester, 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 790 of 2023 is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.”

Following the order passed in the aforesaid two writ petitions, W.P.A. 9791 of 2023 and W.P.A. 10069 of 2023 when the present writ petitioners approached the University, it rejected the prayer stating *inter alia*, as follows:

“Sir,

Kindly refer to the Order Dt. 16/01/23 in Case No. WPA 790 of 2023 wherein it had been stated that your admitting students on or after 16/01/23 would disallow the students to complete the number of college days that they are to attend as per NCTE norms before a semester.

You have suppressed this fact, in case No. WPA 9791 and 10069 of 2023.

Allowing you now would be in contrary to the Order Dt. 16/01/23 of WPA 790 of 2023.”

I do not see any reason to interfere with this order of the University. There is no doubt that if the order dated 16th January, 2023 had been disclosed, this Court would not have passed the orders dated 26th April, 2023 in WPA 9791 of 2023 and WPA 10069 of 2023.

However, those orders were passed leaving the scope of the University to verify the credentials of the students and to admit them only after such verification. After the verification the University had detected the suppression made by the writ petitioners. Though it has been submitted by Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioners that in WPA 790 of 2023, the college was the petitioner while in all subsequent cases the petitioners are the students of the said college, the collusion between the college and the students in suppressing the order dated January 16, 2023 is apparent.

No interference is called for with the order impugned.

The University however, will refund the registration fees, admission fees and the penalty, if the same have been received from the petitioners.

WPA 10959 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.)