

08.05.2023

Sl. Nos. 46 &

Suppl. No.1.

Crt. No.11.

KB

MAT 783 of 2023
with
IA No. CAN 1 of 2023
Aradhya Singh and others
- Versus -
The State of West Bengal & Ors.
with
MAT 767 of 2023
with
IA No. CAN 1 of 2023
with
IA No. CAN 2 of 2023
Mahjuba Khatun and Ors.
- Versus -
The State of West Bengal & Ors.

Mr. P. S. Deb Barman
Mr. Biswaroop Bhattacharya
Mr. Srijib Chakraborty
Mr. Golam Mohiuddin
Md. Nazar Chowdhury.

... For the appellants
in both the appeals.

Mr. Sauvik Nandy

... For the NCTE in both
the appeals.

Mr. Prasenjit Mukherjee
Ms. Puja Mondal

... For all the colleges
in both the appeals.

Mr. Soumya Majumder
Mr. Amitabrata Roy
Mr. Arkadipta Sengupta
Mr. Pradip Kumar Ghosh

... For the University.

Party/parties is/are represented in the order of
their name/names as printed above in the cause title.

Both the matters are taken up for analogous
consideration.

MAT 767 of 2023 along with its connected application being CAN 1 of 2023 and CAN 2 of 2023 are treated as on day's list.

In both the appeals a common prayer is made by Learned Counsel. The common prayer pertains to grant of similar benefits as extended to the writ petitioners in WPA 7080 of 2022 passed by an Order of a Hon'ble Single Bench dated 19th April, 2023. By the said Order of 19th April, 2023, the Hon'ble Single Bench, with the consent of the University, permitted the writ petitioners/ students of several B.Ed. Colleges throughout the State of West Bengal to appear for the 1st Semester Examination conducted by the Respondent/University subject to fulfillment of verification procedures.

Learned Counsel appearing for the appellants in the present appeals submits that since they are equally circumstanced, the benefit of appearing in the 1st Semester Examination in terms of the Order dated 19th April, 2023 (*supra*) be also extended to them.

The prayer of the present appellants is resisted by Learned Counsel appearing for the Respondent/ University. It is submitted that the 1st Semester Examination is scheduled to commence on and from the 10th of May, 2023, i.e. the day-after-tomorrow. It would be impossible for the University to verify the credentials of each of the appellants and unless such is completely

and physically verified that the student carries a *bona fide* enrolment with a college affiliated under the University, no such verification exercise can be undertaken at the eleventh hour.

This Court notices that the basis for the directions passed by the Hon'ble Single Bench on the 19th of April, 2023 was the consent granted by the University before the Court expressing its intention to carry forward the verification procedure. Since such consent is not given by the University in the facts of the present appeal, no order can be passed.

Since the appeals purely relate to the issue of permission for appearing in the 1st Semester Examination to be held the day-after-tomorrow, no further purpose would be served in keeping this appeal pending.

Affidavits of service filed in Court today be retained with the record.

Since affidavits are not invited, other allegations are deemed to be denied.

MAT 783 of 2023 with **IA No. CAN 1 of 2023** and **MAT 767 of 2023** with **IA NO. CAN 1 of 2023** stand accordingly **disposed of**.

All parties to act on a server copy of this order duly obtained from the official website of the Hon'ble High Court, Calcutta.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Supratim Bhattacharya, J.)

(Subrata Talukdar, J.)