

W.P.A. 12894 of 2023

**Shri Balaji Charitable Educational Trust
Vs.
The State of West Bengal & Ors.**

Mr. Pintu Karar
Mr. Sabab Uddin Laskar

....for the petitioner

Mr. Rabindra Narayan Dutta
Md. Mansoor Alam

...for the State

Affidavit-of-service filed in Court today is taken on record.

The petitioner being a trust intended to open a pharmacy college for imparting education. The primary pre-requisite for opening of such pharmacy college was to obtain the consent for affiliation from the respondent no. 4.

Petitioner contended that on **April 25, 2023** the petitioner made necessary application before the respondent no. 4 for obtaining consent for affiliation at **page 26** of the writ petition. The respondent no. 4 by its e-mail communication dated **May 5, 2023, annexure P4 page 40** to the writ petition rejected the said application for obtaining consent for affiliation, as submitted by the petitioner, principally on the ground that no Board resolution and no Land and Land Revenue documents on the land were furnished by the petitioner. The petitioner then filed a detailed representation dated **May 8, 2023,**

annexure P5 at **page 41** to the writ petition before the respondent no. 4 and the same has not yet received any attention.

The petitioner contended that the two documents allegedly not being there for which the petitioner's application for obtaining consent for affiliation was rejected were already on record before the respondent no. 4 and it was further contended that, those documents were also not required in terms of the provisions laid down in **annexure P1** at **page 25** to the writ petition.

Mr. Rabindra Narayan Dutta, learned advocate appeared for respondent nos. 1 to 5. He submitted that those documents are essentially required as per the notification dated **July 5, 2022, annexure P1** to the writ petition.

Considering the submissions made on behalf of the appearing parties and considering the materials on record to sub-serve justice, the respondent no. 4 is directed to decide the issue and to take a decision of the representation of the petitioner dated **May 8, 2023, annexure P5 at page 41** to the writ petition. After issuing a seven days prior hearing notice to the petitioner and after giving it an opportunity of hearing through its trustee and/or through any other legal representative and shall decide the issue by passing a reasoned order. The entire exercise shall be carried out by the respondent no. 4 within 4 (four) weeks from the date of communication of this order and

the reasoned order shall be communicated to the petitioner within a period of 1 (one) weeks from the date such reasoned order to be passed.

It is made clear that this Court has not gone into the merits of the claim of the petitioner in any manner and the petitioner shall be at liberty to rely upon whatever documents and records it wishes to produce and are required to be produced before the respondent no. 4 at the time of hearing. If the reasoned decision goes in favour of the petitioner then the respondent no. 4 shall issue the consent for affiliation positively within 3 (three) days from the date of the said reasoned order to be passed and the respondent no. 5 shall do the needful and take all consequential steps positively within a period of 4 (four) weeks for the Academic Sessions 2023-2024 to enable the petitioner to open the pharmacy college.

It is made clear that this order shall not create any right and equity in favour of the petitioner if the petitioner is not otherwise eligible to receive his claim strictly in accordance with law.

Since affidavits are not called for the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms this writ petition **WPA 12894 of 2023** stands disposed of, without any order as to costs.

(Aniruddha Roy, J.)