

Item-4. 19-10-2023

MAT 2041 of 2023
CAN 1 of 2023

sg Ct. 8

The Baba Saheb Ambedkar
Education University & Ors.
Versus
Siksha Bikash Seba Foundation
B.Ed. College & Ors.

Mr. Kishore Datta, Sr. Adv.,
Mr. Srijib Chakraborty, Adv.
Mr. Aditya Mondal, Adv.

...for the Appellants

Mr. Joydip Kar, Sr. Adv.,
Mr. Soumya Majumder, Adv.
Mr. Kallol Basu, Adv.
Mr. Amitabrata Roy, Adv.
Mr. Arkadipta Sengupta, Adv.

...for the University.

Mr. Sauvik Nandy, Adv.

...for the N.C.T.E.

1. The appeal is at the instance of the University. The respondent is a B.Ed. College. The College is affiliated to the University since 2021. The grievance of the College was that since 2019 the College has been running with the approval of all concerned authorities. Although the College initiated a selection process to appoint teachers, the University has deliberately failed to complete the selection process. On the other hand, citing deficiencies of teaching staff, the University has declined to grant affiliation to the College for the upcoming academic year.
2. Mr. Joydip Kar, learned Counsel appearing on behalf of the University has submitted that the College is indulging in various malpractices of hiring of some teachers at the time of making application for affiliation and subsequently, terminating their appointment. Mr. Kar has also referred to the show cause notice issued by the University for not

complying with the regulation of the University as a condition precedent for affiliation.

3. The learned Single Judge, considering the academic interest of the students, has directed the University to complete the selection process following the letter dated 6th July, 2023 issued by the College to the University within a stipulated time.
4. We have been informed that the timeline set by the learned Single Judge is over.
5. Mr. Kar has submitted that the faculty is being run without full strength and inadequate teacher.
6. We cannot ignore such facts that a teacher appointed by the College will resign midstream, which will affect the interest of the academic interest of the students.
7. The College may ensure that the teacher to be appointed is not allowed to leave the Institution within the academic session, unless there are compelling reasons and in the event of any resignation, appointment should be made for the post immediately.
8. The University shall immediately undertake inspection of all the affiliated Colleges and if any deficiency is found in any of the conditions of recognition, the said should be immediately intimated to NCTE for taking appropriate steps. In case of non-fulfillment of any condition of affiliation, an opportunity should be given to the Colleges to remove and rectify such defects within a specified period.
9. The University shall complete the entire process within a period of six months from date.

10. A copy of the report shall be filed with the learned Registrar General of this Court.
11. We make it clear that we have not interfered with the order at this stage.
12. With the aforesaid directions, the appeal and the applications are, accordingly, disposed of.
13. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Uday Kumar, J.)

(Soumen Sen, J.)