

Item		CPAN 1546 of 2023
-11.	15-12-2023	Bhakta Bala B.Ed College
		Versus
sg	Ct. 8	Prof (Dr.) Soma Bandopadhyay & Anr.
		In
		MAT 1985 of 2023

Mr. Srijib Chakraborty, Adv.
Mr. Aditya Mondal, Adv.
Mr. D. Kar, Adv.
...for the petitioner
Mr. Anadipta Sengupta, Adv.
...for the alleged contemnors

1. A Special Leave Petition, being Special Leave to Appeal (C) No(s). 25279/2023, was preferred against the order dated 19th October, 2023. The said Special Leave Petition was disposed of by the Hon'ble Supreme Court on 11th December, 2023, inter alia, with the following observation:

“Having considered the above, as the present matter pertains to affiliation of the Bhakta Bala B.Ed. College, as has been submitted by Mr. Patwalia that the rejection was on the ground of certain deficiencies recorded in the said rejection order, it can be appreciated that the said communication will give fresh cause of action for the petitioner(s). with such observation, the Special Leave Petition is ordered to be closed.”

2. This contempt application was filed for non-compliance of our order dated 19th October, 2023.
3. We disposed of the appeal with the following directions:

- (i) *We feel that an opportunity should be given to the College to rectify defects or deficiencies as the case may be on the basis of the report to be prepared under the authority of N.C.T.E.*
- (ii) *We, accordingly, direct a joint inspection of the College concerned on or before 30th November, 2023. All record as may be asked for and required by the N.C.T.E. in consultation with the University shall be produced for inspection. It is also important to find out whether the College authorities have fulfilled the conditions of recognition. In the event there is any breach of the conditions, N.C.T.E. would be at liberty to derecognize the institution irrespective of the fact that the academic session has commenced. It would be the responsibility of the College concerned to decide whether they should proceed with admission for the Academic Session 2023-2025 with provisional affiliation. In the event any deficiencies with regard to the recognition and affiliation are found during inspection, the N.C.T.E. and the College shall give three months' time to remove the remaining defects or all the deficiencies as the case may be and found lacking during inspection. If during the said period the College fails to fulfil the conditions as might be stipulated by N.C.T.E. in consultation with the University, the recognition or the affiliation may be withdrawn.*
- (iii) *There shall be a provisional renewal of the affiliation till 31st March, 2024 or the time period within which the deficiencies, if any, are required to be removed, whichever is earlier.*
- (iv) *In view of the aforesaid facts and circumstances of this case, we granted this relief to the College.*
- (v) *In view of this order, the University shall immediately provide the link to the College on an*

undertaking to be provided by the College accepting this order.

(vi) All admissions for the time being should be provisional and subject to the order in the pending writ petition.

4. It appears that subsequent thereto, the University has rejected the affiliation of the College. Before the Hon'ble Supreme Court, a submission was made with regard to subsequent development. This was recorded in paragraph 5 of the order of the Hon'ble Supreme Court dated 11th December, 2023.
5. In view of the aforesaid observation, the contempt application cannot proceed any further. Hence, the contempt proceeding is dropped.
6. This order, however, shall not prevent the University from challenging the order by which the renewal of affiliation was rejected.
7. We make it clear that we have not gone into the merits of the matter regarding the subsequent decision of the University in refusing to renew affiliation of the College.
8. CPAN 1546 of 2023 is, thus, disposed.
9. 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.)