

24-11-2023
55 AKG
Ct. 238

WPA 25858 of 2023
Surendralal Das Teachers' Training College
Vs.
The Baba Saheb Ambedkar Education University & Ors.

Mr. Srijib Chakraborty Mr. Aditya Mondal, Mr. Deeptangshu Kar	...for the Petitioner
Mr. Soumya Majumder, Mr. Amitabrata Roy, Mr. Arkadipta Sengupta	...for the University
Mr. Souvik Nandy	...for NCTE

On November 2, 2023, following orders were passed
in this writ petition:

“Learned senior counsel appearing on behalf of the petitioner submits as follows. The petitioner is an M.Ed. College affiliated with the respondent university. However, the respondent university is not allowing the petitioner to apply for renewal for affiliation for the current course in its portal. Reliance is placed on a decision of a Division Bench rendered on 19.10.2023 in MAT 1985 of 2023 (Bhakta Bala B.Ed. College Vs. The Babasaheb Ambedkar Education University & Ors) and it is submitted that on those facts which are similar to the present ones, the Division Bench granted relief to the college of provisional renewal of affiliation as also of provisional admission of students. Reliance is also placed on the decision of the Hon’ble Apex Court in Maa Vaishno Devi Mahila Mahavidyalaya Vs. State of Uttar Pradesh & Ors. reported at (2013) 2 SCC 617.

Learned senior counsel appearing on behalf of the respondent/university submits as follows. The allegations made in the writ petition are denied. Subsequent to the decision in Maa Vaishno Devi Mahila Mahavidyalaya (supra), several conditions have been imposed by the NCTE regarding

affiliation and admissions in recognized colleges. Among other things, the norms to be prescribed by the other organs in granting affiliation also have to be fulfilled by the colleges. There are several infractions in the instant case. Unlike as per the UGC norms, the teachers are paid paltry sums of Rs.10,000/- per month. It is not in the interest of students that this writ petition is being filed, but more to secure the profits of the private colleges. The facts in the present case are quite different from the ones in Bhakta Bala B.Ed. College (supra).

As the respondent/university has disputed certain facts as contended by the petitioner, the writ petition needs to be decided on affidavits.

Let the respondent authorities file their opposition within a week from date. Reply, if any, be filed within a week thereafter.

In the mean time the respondent university shall allow the petitioner college to apply for renewal of affiliation through their portal by sending necessary link by today i.e. 02.11.2023 at 11:00 P.M.

The concerned university shall decide the question of affiliation by tomorrow i.e. 03.11.2023 at 12 noon.

It shall also be open to the petitioner to give necessary undertaking/s about curing the purported deficiencies.

Report in the form of affidavit be filed by the university before this Court on November 8, 2023.

List this matter before the appropriate Vacation Bench on November 8, 2023.

Learned counsel for the petitioner shall be at liberty to communicate a gist of this order to the concerned authority.”

It is not disputed by the parties that the petitioner's name was included in the seat matrix for admission in M.Ed. course for the academic session 2023-2025 on November 3, 2023. The last date of admission was November 4, 2023.

Mr. Srijib Chakraborty, learned advocate, in my view, has rightly pointed out that because of the belated compliance of the order dated November 2, 2023 passed in this writ petition, the petitioner got only one day to admit students.

The university principally agrees to extend the last date of admission for the petitioner.

In that view of the matter, this writ petition is disposed of with a direction upon the university to hold the counselling for admission to the petitioner from the merit list published on September 8, 2023 for additional two days. The university will intimate the college as to the extended dates of counseling within seven days from date of communication of this order.

WPA 25858 of 2023 is disposed of.

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

(Kausik Chanda, J.)