

19.01.2024
Item No. Supple.1
Crt.No.22
b.r.

WPA 978 of 2024

Pioneer Educational Trust
-vs-
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Pintu Karar
Mr. Saikat Koley
..... for the petitioner.

Mr. Supriyo Chattopadhyay
Ms. Tapati Samanta
.... For the resp. nos. 1 to 3.

Mr. Tapan Kumar Mukherjee, Sr. Adv.
Mr. Suman Dey
.... For the resp. no. 4.

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

Mr. Sabyasachi Chatterjee, learned counsel, appears for the petitioner.

Mr. Tapan Kumar Mukherjee, learned Senior Counsel and Additional Government Pleader, appears for the respondent nos. 4.

Mr. Supriyo Chattopadhyay, learned Additional Government Pleader, appears for the respondent nos. 1 to 3.

Respondent no.5 is not represented.

In view of the urgency pleaded in **paragraphs 11 and 16** of the writ petition and today being **January 19,**

2024, this writ petition has been taken up for consideration in presence of the parties.

This order shall be restricted only for **Impact College of Pharmacy** as would be evident from the extract of the resolution of the trustees of the first petitioner dated **September 8, 2022 at page 42** to the writ petition. This order shall be effected subject to submission of heard copy of the necessary application by the petitioner before the **respondent no.4**.

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 **January 9, 2024**, the petitioner made necessary application before the respondent no.4 for obtaining consent for affiliation at **page 27** of the writ petition. The respondent no.4 by its e-mail communication dated **January 5, 2024, annexure p-4 at 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 **January 9, 2024 annexure p-3 at**

page 27 to the writ petition, before the respondent no.4 and the same has not yet received any attention.

Mr. Tapan Kumar Mukherjee, learned Senior Counsel and Additional Government Pleader appearing for respondent nos. 4 submits that, the time period for submission of online application before the respondent no.4 stood expired already on **January 5, 2024**. Hence there is no further scope for filing any application on online mode.

Since the online application was not filed within the time stipulated, in the eye of law there was no application at all filed on behalf of the first petitioner.

Considering the submissions made on behalf of the parties and considering the materials on record, liberty is granted to the petitioner to submit heard copy application in physical form for the academic year **2024-25** by **Monday, January 22, 2024 till 3 p.m.**

In the event, such a heard copy application is filed, the respondent no.4 shall decide the application and shall take a decision thereupon after affording an opportunity of hearing to the first petitioner for **Impact College of Pharmacy** either through the trustee of the first petitioner or through its duly authorised representative and then shall pass a reasoned order on the fate of the said heard copy application **strictly in accordance with law.**

It is needless to mention that for consideration of such heard copy application whatever statutory rules and regulations are required to be followed, the **respondent no.4** and all other concerned parties must and should follow such statutory requirements.

The entire exercise as directed above shall be carried out and completed by the respondent no.4 positively within a period of **four weeks** from **January 22, 2024**.

It is made clear that before conducting the hearing, the respondent no.4 shall give at least seven days prior notice to the first petitioner.

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 urge all points and to rely upon whatever records and documents it wishes to produce and are required to be produced before the respondent no.4 at the time of hearing.

If the reasoned order goes in favour of the petitioner then the respondent no.4 shall issue the consent for affiliation positively within a period of three days from the date of the said reasoned order to be passed and the respondent no.5 shall take all necessary and consequential steps positively within a period of **four weeks** from the date of the reasoned order to be communicated to it, for the academic sessions **2024-**

2025 to enable the petitioner to carry on **Impact College Pharmacy**.

It is made clear that this order shall not create any equity or right in favour of the petitioner or the relevant college if the petitioner and the relevant college are otherwise not eligible to receive their 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.

It is made clear that since this order is passed in presence of all the parties except the **respondent no.5**, for the purpose of receiving the heard copy application by the **respondent no.4**, the learned counsel appearing for the respondent no.4 shall also inform his client about the gist of the orders passed today.

On the above terms, this writ petition, **WPA 978 of 2024** stands **disposed of**, without any order as to costs.

(Aniruddha Roy, J.)