

WPA 982 of 2024
Amar Kumar Saha & Anr.
Vs.
The State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Saikat Koley

...for the Petitioners

Mr. Gourav Das,
Ms. Sayantanee Bhattacharjee

...for the State

Mr. Tapan Kr. Mukherjee,
Mr. Suman Dey

...for the Council

Petitioner no. 2 is a trust and petitioner no. 1 claims himself to be secretary of the trust. The petitioners with an intention to set up a college for granting Diploma in Pharmacy, had applied before the West Bengal State Council of Technical and Vocational Education and Skill Development (in short 'the council'). In response, the petitioners obtained an "consent of affiliation" from the council on July 14, 2022. The petitioners also obtained approval from the Pharmacy Council of India by an e-mail dated June 9, 2023.

Following an inspection was carried out, by a letter dated December 27, 2023, the council indicated certain deficiencies in the college.

The college by a letter dated January 6, 2024, intimated the council that it had cured the deficiencies. The council, however, did not take any further step to grant affiliation to the institute for the academic session 2023-2024.

The petitioners submit that as a special case, the college should be granted affiliation for the academic session 2023-2024 since there was no fault on the part of the college. It is the delayed and lethargic approach of the council, for which the affiliation has not been accorded to the petitioners till date.

Mr. Tapan Kr. Mukherjee, learned advocate appearing for the council, on the other hand, submits that the admission procedure was completed on January 22, 2024, and the classes have also commenced. At this juncture the college cannot be granted any affiliation for the academic session 2023-2024 to admit fresh students.

Though, I am not satisfied with the conduct of the council in dealing with the affiliation of the institute, I am unable to grant any relief to the petitioners at this juncture. It is true that the council should have taken the necessary steps to complete the affiliation process before the commencement of the academic session 2023-2024, at the same time it must be borne in mind if the college is granted affiliation for the academic session 2023-2024 and is allowed to admit students at this juncture, the students will not be in a position to attend the required number of classes to appear in the upcoming first semester examination. The students cannot sit in examination without attending the required number of classes. Therefore, I am not inclined to pass any order in

this writ petition. I, however, make it clear that for the upcoming session i.e. 2024-2025, if the institute makes any application for affiliation, the council should process the same in accordance with law before the commencement of the said academic session.

WPA 982 of 2024 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.)