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09-02-2024
AKG
Ct. 238

WPA 1806 of 2024
Bright Education Welfare Trust
Vs.
The State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Saikat Koley,
Mr. Sahabuddin Laskar
...for the Petitioner
Mr. Bhaskar Prasad Vaisya,
Mr. Sagnik Chatterjee
...for the State
Mr. Tapan Kr. Mukherjee,
Mr. Suman Dey
...for Respondent No. 4

The petitioner intends to establish a “Diploma in Pharmacy” College in the State.

It is the case of the petitioner that the West Bengal State Council of Technical and Vocational Education and Skill Development by a notice dated January 5, 2024, invited application for “consent of affiliation” for the academic year 2024-2025.

Due to time constraint, the petitioner could not file its application within the stipulated time period in the notice. However, the application was filed on January 11, 2023.

The Council, however, declined to process such application on the ground that it was filed beyond the time frame.

It is necessary to quote the said notification dated January 5, 2024.

Regarding Consent of Affiliation to the New Institutions applying for opening D Pharm Courses in WB

This is to notify to all concerned that as per previous years the application for “Consent of Affiliation” will be received only in hard copy format at Karigori Bhawan, New Town, 4th Floor, Kolkata – 700 160.

The last date for submission of application with all documents is on 05.01.2024 at 6.30 PM”

The Court finds it remarkable to note that an authority to discharge its statutory obligation failed to provide even a 24 hour window for the prospective entities for filing their application particularly when such submissions were required in hard copy format for seeking “Consent of Affiliation”.

The timeframe provided was impractical rendering it almost impossible to comply with.

In that view of the matter, the notification dated January 5, 2024, is set aside. The council shall publish a fresh notification on its website granting at least seven days’ time from the date of publication inviting the application for the submission of application for “Consent of Affiliation”. Insofar as the petitioner is concerned, its application should be treated to be filed within time by the council.

WPA 1806 of 2024 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)

