

03 14.06.2024
NB Ct. 17

WPA 1804 of 2024

Bengal Institute of Pharmaceutical Science
Vs.
The State of West Bengal & Ors.

Mr. Pintu Karar,
Mr. Saikat Koley,
Mr. Sabab uddin Laskar.
...for the petitioner.

Mr. Tapan Kr. Mukherjee,
Mr. Suman Dey.
...for the respondent no.4.

Mr. Bhaskar Prasad Vaisya Id. AGP.,
Mr. Sagnik Chatterjee.
...for the State.

A copy of a memorandum dated 10.01.2024 issued by the Chief Administrative Officer, WBSCTVESD, as filed in Court, is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a College running a course of Diploma in Pharmacy. For running such course, one needs an approval with the Pharmacy Council and an affiliation with the State Council of Technical & Vocational Education and Skill Development. The Pharmacy Council had already granted an approval. The State Council was to do the needful. First, they sent a letter that they could not grant affiliation because the College was having a common Principal. This was soon cured and intimated to the Council. Then the Council came up with another ground that there were three common faculty members. This is not permissible. If at all the Council had to raise any objection, it ought to have done so in the first communication. In

the case of another College, the Council had granted them provisional affiliation and asked them to cure the deficiency within a stipulated time.

Learned counsel appearing on behalf of the State Council denies the allegations and submits as follows. The Pharmacy Council, nowadays, only does an online verification of application made by a College. After the petitioner made an application before the State Council, a physical inspection was held and it was found that the Principal was common. Accordingly, the same was intimated to the College. The College on their part should be aware of all the requirements to satisfy. It should have clearly known that not only the College should not have a common Principal, but, they should also not have common faculty members. Fortunately, after a careful perusal of the records, it was found that some faculty members were also common. That is why affiliation could not be granted and the same was intimated to the College. By this time, the Academic Session had gone on and the first internal examination was also conducted. Therefore, there is no question of granting affiliation for the said Session.

It is true that the State Council could have intimated to the College about the other flaws like the common faculty members in their first communication. However, the College should also be aware of the requirements for having such affiliation. Even after getting the first communication, they did not cure the second defect. This could have been known to them, not to the State Council at that point.

Besides, the Session had proceeded and the first internal assessment has already been done.

Therefore, the prayer of the petitioner to allow affiliation for the said Session cannot be considered.

Accordingly, the writ petition is dismissed, however, without any order as to costs.

However, the College shall be at liberty to cure all the defects and apply for affiliation before the State Council and the Pharmacy Council of India for the next and further Sessions.

Urgent photostat certified copy of this order may be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)