

WPA 3058 of 2024

Firoz Halder
Vs.
The State of West Bengal & Ors.

Mr. Pankaj Halder
Mr. Razzak Hossain
Mr. Sandipan Maity
Mr. Neelabha Bera

...for the Petitioner

Mr. Bhaskar Prasad Vaisya, AGP
Mr. Nilay Baran Mandal

...for the State

Mr. Tapan Kr. Mukherjee, Sr. Adv.
Mr. Suman Dey

...for the Council

The petitioner represents himself as a Chairman of a Trust namely, Ideal Charitable and Educational Trust. The Trust, with an intention to run a Diploma in Pharmacy course has established a college. The college applied before the West Bengal State Council of Technical and Vocational Education and Skill Development (in short 'the council') seeking affiliation. The college had obtained "consent of affiliation" from the Pharmacy Council of India on August 29, 2023, for the academic session 2023-2024.

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

The college by a letter dated January 5, 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 the college should be granted affiliation for the academic session 2023-2024 since there is no fault on the part of the college in complying with the relevant rules and regulations for affiliation. 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 for the academic session 2023-2024 was completed on January 22, 2024, and the classes have also commenced. At this juncture, the college cannot be granted any affiliation to admit 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 decide the same in accordance with law before the commencement of the said academic session.

WPA 3058 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.)