

08.03.2024
Item No.85
Ct. No.238
S.A.

WPA 6969 of 2024
Arya Bharat Sikshya Pratisthan
-vs-
The State of West Bengal & Ors.

With

WPA 5963 of 2024
Bhaktabala B.Ed. College
-vs-
The State of West Bengal & Ors.

Mr. Atis Kumar Biswas
Ms. Jyoti Agarwal
Ms. Piyu Mandal
... for the petitioner
Mr. Amitabrata Roy
Mr. Arkodipta Sengupta
...for the University

In view of the shared facts and the legal issues, these two writ petitions are taken up for hearing and disposed of by this order.

These two writ petitions relate to affiliation of B.Ed. colleges and admission of students. This court was approached in view of the denial by the University to grant affiliation to the colleges for the academic session 2023-2024. Subsequently, they were granted affiliation upon compliance of the required formalities as desired by the University.

Despite affiliation being granted, the colleges could not fill up all the seats since the last date of admission was 30th October, 2023, and the entire process of admission was scheduled to be completed within 4th November, 2023.

In WPA No. 23630 of 2023 on January 17, 2024 this court passed the following order :-

“In course of hearing of the case, it transpired that about 400 B.Ed. Colleges have been given affiliation after the last date of admission. The university submits that there is a reserve of nearly about 3000 students, who can be accommodated in the aforesaid B.Ed. Colleges by way of a second counselling.

Since the number of reserve students is not sufficient enough to fill up the full strength of the aforesaid B.Ed. Colleges, it has been submitted by the petitioner that the last date of admission i.e. November 4, 2023 should be extended by the State so as to allow further admission by the Colleges.

Mr. Biswabrata Basu Mallick, learned advocate appearing for the State seeks time to respond.

List this matter on January 29, 2024, under the same heading.”

Ultimately, the State by a letter dated February 15, 2024 instructed Mr. Biswabrata Basu Mallick, learned advocate, appearing for the State, as follows:-

“I am directed to say that in compliance with the solemn direction dated 29.01.2024 in above mentioned case and upon perusal of representation of colleges, the Department of Higher Education has no objection in favour of relaxation of last date of

admission (04.11.2023) as mentioned in notification No. 372-Edn (CS) dated 08.06.2023 of the Department of Higher Education subject to fulfilment of conditions as specified by the Baba Saheb Ambedkar Education University vide ref. No. BSAEU/RO/80/2024 dated 10.02.2024 (copy enclosed) and guidelines issued by NCTE from time to time.”

In view of the aforesaid clarifications given by the State, I am of the view that all the affiliated colleges shall be given a further opportunity to admit students to fill up the vacant seats for the academic session 2023-2024.

Accordingly, I dispose of the these two matters with the following directions :-

Giving a seven days' notice from March 7, 2024 the University shall reopen the portal to admit fresh students as also the students who had already applied online for the academic session 2023-2024. The University shall include the names of the affiliated colleges in the seat matrix and keep the portal open for 72 hours to conduct a further round of counselling for such admission.

Every college shall furnish an undertaking before the University that they will conduct the additional classes so that regulation of National Council for Teachers' Education requiring classes to

be conducted at least for hundred days in one semester is completed with.

Such undertaking shall be furnished within 72 hours from March 7, 2024. This order is applicable to the colleges who have already been granted affiliation. Needless to mention that if any of the conditions for the affiliation has not been fulfilled by any college, the University will be at liberty to take appropriate steps as it deem fit and proper, regardless of the direction passed in this order.

Accordingly, **WPA 6969 of 2024 and WPA 5963 of 2024** are 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.)