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13.05.2024
Ct. No. 11
rrc

MAT 797 of 2024
with
IA No. CAN 1 of 2024
(Amar Kumar Saha & Anr. Vs. The State of
West Bengal & Ors.)

Mr. Pintu Karar
Mr, Akashdeep Mukherjee
Mr. Saikat Koley
Ms. Sayoni Manna
..... For the Appellants

Mr. Gourav Das
Ms. Sayantee Bhattacharyay
.... For the State

Mr. Tapan Kr. Mukherjee
Mr. Suman Dey
.... For the respondent no. 4

This appeal is directed against an order dated 1st April, 2024
passed in WPA 982 of 2024.

Shorn of unnecessary details, the facts leading to this appeal
are that the petitioner no. 2, a Trust and the petitioner no. 1, the
Secretary of the Trust. Further to objectives of the trust, the
trustees decided to open a college to organize a course, namely
Diploma of Pharmacy. The petitioners obtained 'No Objection'
Certificate/Consent of Affiliation from the West Bengal State
Council of Technical and Vocational Education and Skill
Development (in short, the Council). As such, a college namely,
Rabindranath Thakur College of Pharmacy was opened.

The College authority approached the Council for grant of
consent of affiliation so that the college can conduct the online
course with 60 intake capacity in the academic year of 2023-24.

The college and its activities were inspected twice by the concerned officials of the Council and even as per their instruction, all the deficiencies were removed but no consent of affiliation was accorded to the college to organize the course.

Aggrieved thereby, the appellant moved a writ petition being WPA 982 of 2024, which was disposed of by the order under challenge in this appeal.

Mr. Karar, learned advocate appearing for the appellant seeks to contend that though the learned Single Bench observed that the council should have taken necessary steps to complete affiliation process before the commencement of the academic session 2023-24 but refused to pass an order directing the council to accord affiliation.

He seeks to convince us that by making arrangement of special classes for the students, the college would be able to conduct the course successfully in the academic session 2023-24. He prays that a direction be given upon the Council to grant the consent of affiliation to the college.

Mr. Mukherjee, learned Additional Government Pleader appearing for the respondent no. 4 vehemently opposes such contention canvassed by Mr. Karar.

Inviting our attention to a notification dated 22.02.2024 issued by the respondent no.4, he asserts that according to the academic calendar prepared for the course, namely, Diploma of Pharmacy (Part-I) for the academic session 2023-24, the classes were required to be commenced on 24.01.2024. He submits that the 1st and 2nd internal assessments were required to be made by April, 2024 and July, 2024 and the annual examination is

required to be taken in September, 2024. He informs that the 60% compulsory attendance is *sine qua non* for a student to appear in the annual examination. According to him, at this stage, it would not be apt to permit the college to conduct the course for the academic session 2023-24.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

From the order impugned in the appeal it would be explicit that the learned single Judge did not exercise any discretion in favour of the appellants observing, *inter alia*, that the students will not be in a position to attend the required number of classes to appear in the upcoming 1st Semester Course and the students cannot also sit in any examination without attending the required number of classes.

We do not find any justification to take any view at variance with the view taken by the learned Single Judge.

In view thereof, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)