

June 11, 2024
AD 28
Ct. No.17
SG

WPA 11801 of 2024
AMS College of Pharmacy
vs.
State of West Bengal and others

Mr. Ujjal Ray
Mr. Sk. Abdur
... for the petitioner.

Mr. Amitava Chaudhury
Mr. Kaushik Chowdhury
... for the State.

Mr. Amitabrata Ray
Mr. Arkadipta Sengupta
... for the University.

Mr. Suman Dey
Ms. Rajyashree Mukherjee
... for the Council.

Affidavit of service filed in Court is taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is a pharmacy college. It applied for affiliation with the West Bengal State Council for Technical and Vocational Education and Skill Development/respondent No.3 in 2023. It was only in December, 2023 that the Council informed the petitioner by e-mail that it was lacking in certain aspects in respect of infrastructure and the further inspection would be conducted. After receiving the e-mail, the college took necessary measures to cure the defects. A second inspection was held in January, 2024. Affiliation was also granted to the college and was intimated on 10.01.2024. However, there was an error in the date. Instead of "2024", the year was written as "2023".

Because of this the petitioner could not get the full number of students admitted although the error was rectified subsequently by 14.01.2024. The petitioner got a window of one day for admitting students. That is why only 48 students could be admitted and 12 seats remained vacant. The petitioner may be granted another opportunity to fill up the vacancy.

Learned counsel for the respondent Nos.3, 4 and 5 denies the allegations and submits as follows. It is not the fault of the respondent authorities that the college was lacking in certain aspects, especially as regards infrastructure. Soon after the second inspection was done, an affiliation was granted. An apparent error in the communication granting affiliation to the college could not have prevented the college from taking necessary steps for having all the seats in the college filled up. In any event, now the classes have already started. In fact, the first internal assessment was done in April, 2024. It is not be possible to modify the entire scheme to grant such exceptional privilege to the petitioner college as of having the rest of the vacancies filled up. Reliance is placed on the decision of a Coordinate Bench of this Court passed on 10.05.2024 in WPA 8730 of 2024.

It appears that the college was lacking in certain aspects, especially as regards infrastructure. Upon intimation by the Council, the same was apparently cured. The Council made a second inspection in January, 2024 and granted affiliation on 10.01.2024. It

is the petitioner's case that due to an error in the communication made by the Council the petitioner got only one day to admit the students in the college. That is why 12 seats have remained vacant.

It is evident that in spite of all odds, the college was able to 48 number of students out of a total capacity of 60.

Be that as it may, as per schedule, the classes had started on 24.01.2024 and the first internal assessment was also done in April, 2024.

On substantially similar facts, a Coordinate Bench of this Court had earlier refused the prayer of a college for extension of time for admitting students.

On the present facts too, this Court does not find any reason to digress from the earlier view.

I do not find any merit in this application.

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

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

[Jay Sengupta, J.]