

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Present:
The Hon'ble Justice Jay Sengupta

WPA 11928 of 2024

**Basantika College of Education
Vs.
The State of West Bengal & Ors.**

For the Petitioner : Mr. Gaurav Purkayastha

For the University :Mr. Amitabrata Roy
Mr. Arkadipta Sengupta
Ms. Deboleena Ghosh

Heard on : 11.07.2024

Judgment on : 11.07.2024

Jay Sengupta, J.:

This is an application praying for a direction upon the respondent authorities to grant permanent affiliation in favour of the petitioner for conducting B.Ed Course for 2023-2025 and in the alternative, to grant renewal of affiliation for such programme and session.

Exception to the report filed on behalf of the respondent No. 2 and 3 is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a college running a B.Ed Course. It had an affiliation with the Baba Saheb Ambedkar Education University since 2018 and till the session 2022-2023. The college had applied for renewal of affiliation for the session 2023-2025 and application was made on 01.03.2024. The last such application was made on 02.04.2024. The petitioner had applied for renewal of affiliation after publication of the list of colleges, which were not affiliated, as per Court's order. Yet the petitioner's prayer for renewal was not allowed. In fact, there was no reply to the applications filed.

Learned counsel appearing on behalf of the University denies the allegations and submits as follows . For seeking permanent affiliation, there is a separate provision under the UGC Affiliation of Colleges by Universities Regulations, 2009. Rule 5 requires that an application is made before the UGC for permanent affiliation. So far as the prayer of the petitioner for renewal of affiliation is concerned, the same could not have been done in view of the intervening judicial proceedings. By an order dated 07.03.2024 passed by a Co-ordinate Bench of this Court in WPA 23630 of 2023 it was directed that affiliated colleges shall be given further opportunity to admit students and fill up the vacant seats and for such purpose the portal was to remain open for 72 hours after a period and the colleges would have to furnish of undertakings before the University that they would satisfy the criteria of taking at least hundred classes for a semester. The order was

made applicable to colleges who had already been granted affiliation. Therefore, after the date of such order i.e., after 07.03.2024 the University could not have granted any further relief to other entities. However, certain colleges approached the Division Bench and an exception was made pursuant to orders passed by the Division Bench. But, the petitioner did not approach the Division Bench. On 08.02.2024 a Division Bench of this Court had passed an order to publish the list of colleges which had not yet received the affiliation. The list was published and a number of colleges responded and their applications for affiliation were considered. But the petitioner college did not apply. Besides, the notice dated 03.04.2024 of the University setting out the dates on which application was to be made and other formalities were to be complied with has not been challenged by the petitioner. On the practical front, classes for the session have already started and the first semester examination is to start on 23.07.2024. If affiliation is granted now, the students would not be able to come anywhere near hundred days of classes.

First, for permanent affiliation an application has to be made before the UGC.

Even for renewal of affiliation that was granted earlier, there were opportunities provided by this Court, whether by the Single Bench or by the Division Bench. Unfortunately, the petitioner did not avail of such benefit. Pursuant to the order passed by the Co-ordinate Bench on 07.03.2024, certain colleges approached the Division Bench to make out exceptional

cases for seeking affiliation. The petitioner did not even do that. In such circumstances, it was not quite open for the University to unilaterally entertain the petitioner's application de hors the decisions passed by this Court.

Now, there is hardly any time for any student who could be admitted for this session to undergo hundred days of classes or even come anywhere near to the requirement.

In view of the above discussions I do not find this to be a fit case to allow renewal of affiliation to the college for the sessions 2023-2025.

Therefore, this writ petition is dismissed, albeit, without any order as to costs.

However, the College shall be at liberty to apply for renewal of affiliation for the session 2024-2026 and onwards.

Urgent photostat certified copy of this judgement, if applied for, be given to the applicant upon compliance of requisite formalities.

(JAY SENGUPTA, J)

PM