

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 12649 of 2024

Sundarban Minority B. Ed College

Versus

The State of West Bengal and others

For the petitioner	Mr. Biswaroop Bhattacharyya Mr. Golam Mohiuddin Mr. Anindya Bose Ms. Puja Mondal
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For the State	Mr. Swapan Kumar Dutta Mr. Rajat Dutta
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For the University	Mr. Amitabrata Roy Mr. Arkadipta Sengupta Ms. Deboleena Ghosh
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For the NCTE	Ms. Asha G. Gutgutia
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Last heard on	09.07.2024
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Judgment on	09.07.2024
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JAY SENGUPTA, J:

This is an application praying for direction upon the
respondent authorities for granting affiliation to the

petitioner/college for the session 2023-24 and providing the link in favour of the petitioner for the affiliation for such session in respect of B.Ed course and to set aside the notice dated 03.04.2024 issued by the University.

Supplementary affidavit filed by the petitioner is taken on record.

Copy of ERC of one Kabi Krittibas B. Ed. Collage, Chakdaha, as filed by the University, is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner is a college running B. Ed course. It was affiliated by Baba Saheb Ambedkar Education University for the sessions till 2022-23. However, the University refused to renew affiliation for the session 2023-24 on different pretexts. Certain deficiencies pointed out by the University were not intimated to the college in time. Furthermore, it is denied that the college has actually violated the terms set by the University. If there is any deficiency, the same shall be cured at the earliest.

Learned counsel for the University denies the allegations in the writ petition and submits as follows. The University had made it clear that three conditions have to be fulfilled by the colleges for renewing affiliation. The first is about obtaining fire safety certificate. The second is about direct debit of salaries to the accounts of the teachers and the third is about production

of faculty list. The college failed on all these scores. First, on physical verification it was found that out of 14 teachers presented by the college, two were working elsewhere. The score-sheet of the Principal who was engaged for the particular session was of 2021. The supplementary affidavit filed contained only a fire safety recommendation. But, no fire safety certificate has been obtained by the petitioner till date. By a letter dated 26.04.2024, the college promised to pay all the dues regarding teachers' salaries within a short time. This is an admission that direct debit of salaries to the teachers had not taken place. It is not possible to cure all these infractions in a short time to avail of affiliation for the session 2023-24. The first semester examinations are to be held on 23.07.2024. However, the students who have already been admitted in the B.Ed course in the earlier session and who have done their classes for the first year classes would not be affected because they shall be permitted to pursue their second year classes under the said University.

It appears that the petitioner college has failed to satisfy the necessary criteria for renewal of affiliation with the University and the infractions are of serious nature. First, the fire safety certificate is still not available. Secondly, there is doubt about the faculty who are teaching in the college. Some of them are found to be teaching elsewhere. There is also an

admission that all the salaries of teachers have not been paid till date. The question of direct debit of such sums comes later.

The other aggravating circumstance is that the examination for the first semester is to take place on 23.07.2024.

In view of the above, it will not be proper to accede to the prayer of the petitioner in respect of renewal of affiliation for the session 2023-24.

However, the college authorities shall be at liberty to cure all deficiencies and apply for affiliation/renewal of affiliation for the next term and onwards.

With these observations, the writ petition is disposed of. However, there shall be no order as to costs.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J)

SG

