

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

Present:
The Hon'ble Justice Jay Sengupta

WPA 16687 of 2024

Arya Bharat Sikshya Pratisthan
Vs.
The State of West Bengal & Ors.

For the petitioner	:	Mr. Nilendu Bhattacharya, Ms. Saheli Mukherjee, Mr. Soumen Chatterjee.Advocates
For the State	:	Mr. Swapan Kr. Datta, Id.AGP., Mr. Dipankar Das Gupta. ...Advocates.
For the University	:	Mr. Amitabrata Ray, Mr. Arkodipta Sengupta, Ms. Deboleena Ghosh. ...Advocates.
Heard on	:	11.07.2024
Judgment on	:	11.07.2024

Jay Sengupta, J:

This is an application praying for direction upon the respondent authorities to accept registration form of the student of the petitioner's institution i.e., Deepshika Chakraborty and to allow her to pursue B.Ed. course in Method Paper i.e., "music" and/or "performing art" for the academic session 2023-25.

Learned counsel appearing on behalf of the petitioner submits as follows.

The petitioner is an educational institution imparting teacher's training education/programme and offers D.El.Ed. and B.Ed. courses. During admission in B.Ed programme for the academic year 2023-24, a candidate namely, Deepshika Chakraborty who was having Masters Degree from the Rabindra Bharati University, Kolkata intended to apply for admission in B.Ed. programme. Accordingly, on 19.03.2024, the said candidate took admission in the method subject "music" in "performing art" in the official portal of the University. After scrutinising of documents, the Univeristy confirmed the admission. Subsequently, on the basis of a decision of the respondent/university, the Univeristy sent registration forms to all the students including the petitioner. On 20.05.2024, the petitioner filled up the prescribed registration form for the said student Deepshika Chakraborty and submitted the same on payment of requisite fees. On 10.06.2024, the respondent/University notified the schedule to download the candidate's application. However, on 18.06.2024. the petitioner found from the official portal of the University that the application for registration of Deepshika Chakraborty has been returned by the University with the remark "method subject does not matched". First, the Universities are supposed to have subjects like "performing arts", "fine arts" in their curriculum. This is as per the NCTE guidelines. This has not been followed by the University. Secondly, for another candidate for a prior session who had passed from the Tripura University with honours in "Kathhak", the same Univeristy allowed admission in the B.Ed course. Although the petitioner is similarly circumstanced, the University is stalling her registration on the purported ground that "method paper" did not match. From the

marksheet and other documents regarding educational qualifications, it is evident that she had papers like Tagore School of Dance, Kathhak as her subjects during the post graduation.

Learned counsel appearing on behalf of the respondent/University denies the allegations and submits as follows. The University has the subjects like “music” and “fine arts” in their curriculum. This is substantial compliance of the NCTE guidelines. So far as the “method” subjects are concerned, it is not clear from the documents pertaining to the educational qualifications of the petitioner whether dance was a subject in any of the courses although, in some of the marksheets, there is mention of “Kathhak” as a subject.

One wonders whether the University is entertaining a doubt about whether “Kathhak” is a dance form or not.

Be that as it may, it is evident that the educational qualifications of the petitioner pertained to dance as a subject.

Moreover, the University had earlier granted registration and admission to, at least, another student who was similarly circumstanced.

Therefore, the contention of the University that the method subject does not match has no legs to stand.

In view of the above, the University authorities are directed to accept registration form of the student of the petitioner’s institution namely, Deepshika Chakraborty and to allow her to pursue B.Ed course in the “method” paper i.e.,

“music” and/or “performing art”. The same shall be done within a period of three weeks from the date of communication of this order.

In the event, some of the actions pertaining to the registration of the petitioner’s student cannot be done online, the University shall do the same manually.

With these observations, the writ petition is disposed of.

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

(Jay Sengupta, J.)

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