

16 **22.07.**
2024

Ct. No. 08

ab

MAT 1438 of 2024
IA No. CAN 1 of 2024

Arya Bharat Sikshya Pratisthan
Vs.
The State of West Bengal and others.

Mr. Nilendu Bhattacharya,
Mr. Kapil Guha.

... for the appellant.

Mr. Amitabrata Roy,
Mr. Arkadipta Sengupta.

... for the University.

The Writ Court was moved assailing the decision of the University in refusing to register the name of the student of the appellant on the score that “method subject does not matched”.

It was pointed out by the Writ Court that the University is allowing the curriculums as per the NCTE guidelines, which includes the music and fine arts and, therefore the subject specific comes within the peripheral thereof. The Writ Court further noticed that in an identical situation, registration was permitted in respect of the candidate in the last academic session and, therefore, the authorities were directed to complete the entire exercise on registering the name of the student of the appellant within three weeks from the date of the order i.e. on 11th July 2024.

Astonishingly, the appellant/institution has filed the instant appeal despite having been blessed with the order of the Writ Court. At the first blush, we were not convinced that the appellant can be said to be an aggrieved party, but it was pointed out that while granting the relief, the Writ Court did not notice that the examination conducted by the University would commence from tomorrow and if the registration takes a longer time and in the meantime the examination is over,

it would be a futile exercise and the order passed in favour of the appellant/institution would be of no consequences.

We find substance on the aforesaid stand of the appellant and, therefore, modify the order to extent that the University shall issue a provisional admit card on or before 2.30 p.m. today so that the candidate may be permitted to sit in the examination pending the registration as mandated by the Single Bench.

The appellant/institution shall be at liberty to approach the concerned office of the University along with the student on the basis of the server copy and shall collect the provisional admit card so that the student of the appellant/institution may be permitted to sit in the examination.

All other requisite formalities shall also be ensured by the appellant/institution, student and the University in order to implement the directions passed herein above.

The order shall not be treated as a precedent as it is restricted to the appellant/institution and the student for which such approach to the Court was made.

With these directions, the appeal and the connected application being CAN 1 of 2024 are disposed of.

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

(Harish Tandon, J.)

(Shampa Dutt (Paul), J.)

