

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
APPELLATE SIDE**

Present:

The Hon'ble Justice Jay Sengupta

W.P.A. 18827 of 2024

Susanta Choudhury

Vs.

State of West Bengal & Ors.

For the Petitioner : Mr. Krishnendu Sarkar
Ms. Meghla Das

For the State : Mr. Vimal Kumar Shahi
Mr. Sk. Samim Ullah

Lastly heard on : 10.09.2024

Judgment on : 10.09.2024

Jay Sengupta, J.:

This is an application praying for direction upon the respondent to provide information as sought by him.

Report filed on behalf of the petitioner is taken on record.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had done a diploma course in automobile engineering and had passed the same in the year 1991. He is faced with a dispute about whether a diploma course should be treated as equivalent to a licentiate course in automobile engineering. It is pertinent to mention that the licentiate course was introduced in 1974 including in mechanical and civil engineering and it continued till 1978. Thereafter, it was converted into a three years' diploma course. As per the report submitted by the West Bengal State Council of Technical & Vocational Education

and Skill Development, as on 2006 an equivalence certificate could be issued in respect of licentiate and diploma courses in mechanical and civil engineering. In fact, in the body of the Report an emphasis has clearly been given that the two courses are quite the same, although accurate information of the syllabus, curricular structure and learning outcomes between the two courses were not available. However, at the end of the Report the authority has gone quite against what was stated earlier and held that an employer would be able to decide whether the courses were equivalent or not.

Learned counsel appearing on behalf of the Council denies the allegation made in the writ petition and submits as follows. No records in respect of the licentiate course is available at present because nearly 45 years have passed since the courses were there. As per information gathered from reliable sources, equivalence certificate between LCE and DCE were issued by the WBSCTVESD in the year 2006 as during that time the syllabus, curricular structure and learning outcomes were almost same between LCE and DCE. Subsequently, several modifications were there in syllabus, curricular structure and learning outcomes. However, if the level is only considered along with some other diploma courses, then all are equivalent to each other.

It is quite strange that the WBSCTVESD is unable to come to a conclusion as to whether the diploma course and the licentiate course for Automobile Engineering were equivalent or not and suggests that the employer would be better placed to take a decision on this.

However, from the Report submitted by them it has been admitted that if the level is only considered for the courses, all are equivalent to each other.

It also appears from the Report that in 2006 the authority, as it then was, had issued an equivalence certificate as during that time the syllabus, curricular structure and learning outcomes were almost same for the two courses.

If the syllabus, curricular structure and the like had been similar in the year 2006, it will be quite improbable to assume that the courses were much different in 1991.

With advancements in science and technology the courses and syllabi are bound to change with time. What is important is to see whether such courses were comparable at the time when the petitioner obtained such diploma or degree.

In view of the above discussions, the writ petition is disposed of by directing the WBSCTVESD to consider the issue afresh and take a decision from available records and information as to whether the licentiate course and the diploma course in Automobile

Engineering were equivalent or not so far as the petitioner is concerned. Let them decide the issue afresh in accordance with the law as expeditiously as possible, preferably within four weeks from the date of communication of this order.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)