

September 12, 2024

AD 3

Ct. 17

SG

WPA 22452 of 2024

Camellia Educational Trust

vs.

The State of West Bengal and others

Mr. Pintu Karar

Mr. Akashdeep Mukherjee

Mr. Sabab Uddin Laskar

Mr. Sourav Roy

... for the petitioner.

Mr. Bhaskar Prasad Vaisya

Mr. Sagnik Chatterjee

... for the State.

Mr. D.N. Maiti

Mr. A. Santra

... for the respondent Nos.6 - 8.

Learned counsel for the petitioner submits as follows. The petitioner wants to run a college with four courses concerning para medical education. For this, the petitioner was granted an essentiality certificate by the State Government on 29.07.2024. It applied for final permission of the University on 21.04.2024. The University did not respond. A representation was made, which was also not replied to. Incidentally, the last date suggested for applying for permission before the University was on 31.03.2024. As of now, the counselling process is going on. The last date of the University counselling will be on 24.09.2024. Reliance is placed on a decision of a Coordinate Bench of this Court passed on 20.09.2023 in WPA 22385 of 2023.

Learned counsel for the State denies the allegations and submits as follows. The essentiality certificate was issued in July, 2024. Although it remains valid for one year, if the parties are to maintain the schedule prescribed by different authorities, the petitioner can fairly make an application before the University for running the course by 31.03.2025.

Learned counsel for the University relies on a communication, which was filed earlier and submits that the last date for making such application on 31.03.2024. If the essentiality certificate was given after that, it would be quite obvious that the petitioner is to apply for approval for the next term. There are formalities which have to be undertaken like inspection by the University. Reliance is placed on the decisions of this Court passed in WPA 8730 of 2024 and WPA 11801 of 2024.

It is quite abundantly clear that the last date for making such application was 31.03.2024 and the essentiality certificate was granted to the petitioner by the State on 29.07.2024. Therefore, the petitioner could not have validly got an order of inspection from the University before grant of the essentiality certificate i.e., July, 2024.

The certificate is valid for one year.

Therefore, it shall be open to the petitioner to make an application for starting the course from the next session. There are formalities which have to be undertaken by the University like inspection and those formalities cannot be empty ones.

In view of the above, the University shall carry out inspection as required within a month from this date and thereafter, expeditiously decide whether to grant permission to the petitioner to run the college and from which period.

With these observations, the writ petition is disposed of.

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

[Jay Sengupta, J.]