

10.01.2024

Item No.2

Ct. No.238

dc.

W.P.A. 22526 of 2022

**Isha Md Chowdhury & Ors.
versus
The State of West Bengal & Ors.**

Mr. Kamalesh Bhattacharya,
Mr. Robiul Islam ... For the Petitioners.

Mr. Pinaki Dhole,
Ms. Tapati Samanta ... For the State.

Mr. Amitabrata Roy ... For the University.

Mr. Chandrachur Chatterjee
... For the Respondent Nos. 11 & 12.

Respondent No.11, claiming to be the President of the Managing Committee of Olive Academy, a college for B.Ed. training, approached this Court on an earlier occasion with a grievance that despite several representations, the West Bengal University of Teacher's Training, Education Planning and Administration, Kolkata did not renew the affiliation of the college. The college is run by a Trust viz., Gram Bangla Educational Charitable Trust.

The said writ petition was disposed of with the following directions :

"I am of the view that the issue with regard to renewal of affiliation should be decided expeditiously by the University. Accordingly, this writ petition is disposed of with a direction upon the Vice-chancellor of West Bengal University of Teacher's Training Education Planning and Administration, Kolkata to take a decision with regard to the renewal of affiliation of the said college within a period of six weeks from the date

of communication of this order. In taking such decision the University will hear all the concerned.”

The affidavit of the University filed in this matter suggests that after the said order had been passed, a hearing was fixed on August 5, 2022 by the university. The petitioners as well as respondent nos. 11 and 12 were asked to be present with the relevant documents. On the date fixed for hearing, respondent no. 11 was present with the relevant documents, but the petitioners, including petitioner no.2 remained absent on the ground of illness. However, petitioner no.2 sent some documents through E-mail. After considering all the documents as submitted by respondent no.11 and petitioner no.2, the university allowed the prayer of respondent nos. 11 and 12 to change the E-mail ID and mobile number for communication.

It appears that the earlier E-mail ID and the mobile number of the college were oliveacademy14@gmail.com and 8918215498 respectively. The University allowed the E-mail ID to be changed to info@oliveacademy.org and the mobile number to 9735327765.

When this writ petition was taken up for hearing on September 19, 2023, this Court passed the following order :

“The college has about one hundred students who are scheduled to participate in the upcoming first semester B. Ed. admission 2023-2025.

The parties before this Court are fighting before the Civil Court also claiming their right to run the college.

At this juncture, the Court is not inclined to delve into such disputes since the same is the subject matter before the competent Civil Court. At the same time, the Court is inclined to protect the interests of the students since it is not expected that due to the internal conflicts of the management of the college, the academic career of the students shall suffer.

Accordingly, as an interim measure, this Court passes the following orders.

Mr. Amanul Islam, learned advocate of Murshidabad district and Mr. Amitabrata Roy, learned advocate appearing for the university are appointed as special officers to oversee and supervise the upcoming admission/examination of the students, scheduled to commence in October 2023. Mr. Islam and Mr. Roy shall jointly create an e-mail ID. The university will communicate with the college to conduct the admission/examination through that e-mail ID only.

It has been submitted by Mr. Kamallesh Bhattacharya, learned advocate representing the petitioners that his clients are presently operating the bank account. The petitioners shall submit weekly statement of account to the learned special officers.

The college shall pay Rs. 17,000/- each at the first instance to the learned special officers as their remuneration.

The special officers shall jointly submit a report before this Court within two weeks after the admission process is over.”

Today it has been submitted by Mr. Amitabrata Roy, one of the Special Officers, that the marksheets and registration certificates of the students are lying with him.

As I have already observed that internal disputes with regard to the management of the college should not hamper the academic interest of the students, I, therefore, direct Mr. Amanul Islam, one of the Special Officers, to remain present at the college on January 14, 2024 to distribute the marksheets and registration certificates amongst the students.

Mr. Amitabrata Roy, learned Special Officer shall hand over all the marksheets and registration certificates of the students to Mr. Amanul Islam, learned Special Officer for this purpose in course of this day.

It has been submitted by Mr. Kamallesh Bhattacharya, learned advocate appearing for the petitioners that their case could not be properly placed before the University authority with regard to their right to run the management of the Trust. The University, ignoring their claim, has allowed the E-mail ID and phone number to be changed at the instance of respondent nos. 11 and 12.

Mr. Bhattacharya has further submitted that presently the petitioners are in control of the Trust since they are the majority members.

I am of the view that the aforesaid facts, as submitted by Mr. Bhattacharya, should be placed before the University authority to take a decision afresh in this matter. Accordingly, I set aside the decision dated August 26, 2022 passed by the Registrar of the University.

The University shall give a notice to the petitioners as well as to respondent nos. 11 and 12 for a fresh hearing and take a decision with regard to the change of the E-mail ID and the mobile number of the college for communication in accordance with law preferably within a period of two months from the date of communication of this order.

It is made clear that if any student is not in a position to collect his marksheet or certificate on the date specified above, he may be at liberty to collect the same from the Teacher-in-Charge of the college.

Learned Special Officer shall hand over the remaining marksheets and certificates to the Teacher-in-Charge of the college after distribution of the same on January 14, 2024.

The learned Special Officers shall stand discharged with effect from January 15, 2024.

With the aforesaid directions WPA 22526 of 2022 is disposed of.

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

(Kausik Chanda, J.)