

WPA 24092 of 2024

Dr. Saumitra Kamar Charitable Trust & anr.
-vs-
West Bengal University of Health Sciences & ors.

Mr. Srijib Chakraborty
Mr. Mihir Saha
Mr. Purnendu Maity ...for the petitioners

Mr. D. N. Maiti
Mr. A. Santra ...for the WBUHS

Affidavit of service filed on behalf of the petitioners is taken on record.

Learned counsel for the petitioners submits as follows. The petitioners want to run a college with B.Sc. nursing course and GNM course. For this, the petitioners were granted an essentiality certificate by the State Government on 24.06.2024. Thereafter, the petitioners made a representation before the respondent university for granting approval on 26.06.2024. The West Bengal Nursing Council was also granted permission for commencing of the new courses on 09.07.2024. Incidentally, the last date suggested for applying for permission before the University was on 31.03.2024. As of now, the counseling process is going on. 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 June, 2024. Although it remains valid for one year, if the parties are to maintain the schedule prescribed by different authorities, the petitioners can fairly make an application before the University for running the course by 31.03.2025.

Learned counsel for the University submits that if the essentiality certificate was given after that, it would be quite obvious that the petitioner was to apply for approval for the next term. There are formalities which have to be undertaken like inspection by the University.

It is quite 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 24.06.2024. Therefore, the petitioners could not have validly got an order of inspection from the University before grant of the essentiality certificate i.e., June, 2024.

The certificate is valid for one year.

Therefore, it shall be open to the petitioners 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, decide whether to grant permission to the

petitioner to run the college and from which period at the earliest, preferably within six weeks from the date of communication of this order.

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.)