

1112
2024

WEDNESDAY

Court : MB-08
Item : DL-01
Matter : MAT
Status : DISMISSED
Bench ID : 266048
Transcriber : NANDY

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
APPELLATE SIDE

MAT 2227 OF 2024
CAN 1 OF 2024

SOUTH CALCUTTA POLYTECHNIC
Vs.

THE STATE OF WEST BENGAL & ORS.

MR. KAMALESH BHATTCHARYYA, ADVOCATE
MR. SUBHASISH MUKHOPADHYAY, ADVOCATE
MR. ANIRBAN DATTA, ADVOCATE
MR. PROBAL SARKAR, ADVOCATE
MR. SK. KIRAN, ADVOCATE

.....for the Appellant

MR. SIRSANYA BANDOPADHYAY, LD. J.S.C.
MS. TAPATI SAMANTA, ADVOCATE

.....for the State

MR. SUMAN DEY, ADVOCATE

.....for the WBSCTVESD

1. There are glaring lapses on the part of the Appellant-Polytechnic in relation to the admission of the students in its Institution and have come up belatedly seeking a blessing of the Court to cover up such lapses.
2. The West Bengal State Council of Technical & Vocational Education and Skill Development (WBSCTVESD), a statutory body, conducted the examination for several polytechnics within the State and it so transpired that the requisite number of seats could not be filled up. In order to meet out such deficiencies, a letter dated 09.08.2024 was issued by the said Council to all Polytechnics to admit the students by way of a self-admission process commencing from 13.08.2024. It was clearly indicated that the process for admission should be done from the portal opened in this regard for the academic session 2024-25.

3. Though the Institution claimed to have admitted the students yet the applications and the credentials of the students could not be uploaded through the said portal within the stipulated time which was 23.10.2024. However, an application was made on 11.11.2024 citing a ministerial error on the part of the Appellant/Polytechnic in not uploading the necessary eligibility documents of the self-admitted students within the said deadline and a request was made to re-activate the said portal.
4. Obviously, when a notification dated 30.09.2024 in relation to Revised Academic Calendar for the Academic Session 2024-25 was issued indicating the deadline (23.10.2024) within which the admission process has to be completed in all respect, the Court should not usurp the power of the administrative authorities and take a decision in an administrative side.
5. The authorities after taking into consideration all the relevant factors gave an opportunity to the Polytechnics who were facing difficulties in not getting the requisite candidates for the sanctioned vacant seats, permitted the self-admission to be conducted and, therefore, the moment the notification indicated the deadline within which it has to be completed in all respect, we find no justification in the stand of the Appellant-Polytechnic that because of their lapses or a *bona fide* oversight, they could not complete the process of admission.
6. We are conscious about the fate of the academic career of the students who were admitted by the

Appellant-Polytechnic in terms of the said letter dated 09.08.2024 but we do not find any ground warranting exercise of extraordinary powers in this regard. Sufficient time was provided by the authority to complete the process of self-admission and we do not find any alacrity on the part of the Appellant-Polytechnic in relation thereto.

7. The portal was opened on/and from 13.08.2024 and was closed at the midnight of 23.10.2024. As indicated above, the plight of those students have been put to uncertainty by the Appellant-Polytechnic and taking a plea of the career of those students admitted by it, cannot be said to be a *bona fide* mistake.
8. The Single Bench refused to extend the time to which we do not find any infirmity and/or illegality.
9. The appeal being **MAT 2227 of 2024** accordingly stands **dismissed** along with the application being CAN 1 of 2024.
10. The Appellant-Polytechnic is directed to return the fees or any other amount which they received on account of an admission to all such students whose applications could not be uploaded within fortnight from date.

(HARISH TANDON, J)

(PRASENJIT BISWAS, J)

