

January 27, 2025

AD 37

Ct. 17

SG

SG

WPA 20813 of 2024

*Murshidabad Adibasi Gramin Janakalyan
Samity and others*

vs.

The State of West Bengal and others

Mr. Mrityunjoy Chatterjee

Ms. Suchismita Chakraborty

... for the petitioners.

Mr. Swapan Kumar Dutta

Mr. Rajat Dutta

... for the State

Mr. Amitava Chaudhuri

Mr. N. Roy

Ms. Monoleena Chaudhuri

... for the University.

Affidavit of the Director of Public Instruction,
Government of West Bengal, as filed in Court, is taken on
record.

Relevant portions of the affidavit are quoted as
under:

“4. It is a fact that the particular college being
Al-Ameen Memorial Minority College was initially not
a Government aided college and the State
Government had subsequently admitted it into a
Government aided college.

5. It is reiterated that the State Government
while issuing “No objection certificate” had clearly
mentioned that the State Government will not take

any financial liability in case is G D College, run by the petitioners.

6. It is not only but several other self-financing Colleges were issued “No Objection Certificate” in the same line, one such example being Ghoom Jorebunglow College where the NOC was issued vide No.642-Edn(CS)/4C-30/2004 dated 15.09.2005.

A copy of such “No Objection Certificate” being reference No.642-Edn(CS)/4C-30/2004 dated 15.09.2005 is annexed and marked as Annexure-R/1.

7. Another College namely Madhusudan Hore Mahavidyalay, Coohbehar, a self-financing College, which was also issued “No Objection Certificate” in the same way.

Copy of such order being reference no.195-Edn(CS)/4C-5/11 dated 28.02.2011 is annexed and marked as Annexure-R/2.”

Therefore, it is quite clear that the State Government had allowed not only the present College in question, but also other colleges to be effectively converted from self-financing colleges to Government aided institutions. This goes directly contrary to the finding arrived by the Principal Secretary at paragraph No.11 at his purported reasoned order dated 04.04.2023.

It is, indeed, very unfortunate that a high official of the State would arrive at such incorrect finding of fact. One wonders what prompted the Principal Secretary to

come to such a finding and whether the correct facts were not placed before him in this regard.

Be that as it may, as the impugned order passed by the Principal Secretary suffers from such patent error on the face of the record, the said reasoned order is hereby set aside. The matter is remanded back to the Principal Secretary to pass a further reasoned order in accordance with law and after taking into consideration copy of the affidavit of the Director of Public Instruction dated 24.01.2025 and upon hearing the concerned parties as expeditiously as possible, preferably within four weeks from the date of communication of this order. Within a week thereafter, the outcome of such consideration shall be intimated to the petitioner.

With these observations, the writ petition is disposed of.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

(Jay Sengupta, J.)