

25.08.2025.
Item No. 2 to 6.
Court No. 13
sp

M.A.T. No. 1539 of 2019
With
ASTA 1 of 2019 (Old No. ASTA 15 of 2019)
Prof. Syed Faizan Ahmed
Vs.
Md. Tayab Alam & Ors.
With
M.A.T. No. 1537 of 2019
With
ASTA 1 of 2019 (Old No. ASTA 16 of 2019)
With
CAN 2 of 2021
Danish Zafar
Vs.
Md. Tayab Alam & Ors.
With
M.A.T. No. 1538 of 2019
With
ASTA 1 of 2019 (Old No. ASTA 14 of 2019)
With
CAN 2 of 2021
Prof. Md. Ayub
Vs.
Md. Tayab Alam & Ors.
With
M.A.T. No. 1540 of 2019
With
ASTA 1 of 2019 (Old No. ASTA 18 of 2019)
With
CAN 2 of 2021
Ziauddin Khan
Vs.
Md. Tayab Alam & Ors.
With
M.A.T. No. 1541 of 2019
With
ASTA 1 of 2019 (Old No. ASTA 17 of 2019)
With
CAN 2 of 2021
Mrs. Nikhat Fatma
Vs.
Md. Tayab Alam & Ors.

Mr. Bikash Ranjan Bhattacharyya, ld. Sr. Adv.,
Mr. Arup Nath Bhattacharyya,
Ms. Sreetama Biswas.

...For the appellants.

1. The Respondent is not represented.

2. The subject matter of challenge in the instant appeals is a decision dated 6th September, 2019 passed by a Single Bench of this Court in WPCRC 204 (W) of 2017 arising out of WP 2810 (W) of 2017.

3. The Single Bench, firstly found that the applicant/writ petitioner had tendered an initial amount of admission to the medical course Rs. 3,100/- on 27th October, 2016 and was required to pay the balance sum of fees by 31st August, 2016. It is the allegation of the applicant/writ petitioner that when he went to pay the balance amount, the Cashier of the Calcutta Unani Medical College and Hospital ('the said College' for short) which is a private medical college demanded that he paid Rs. 3.5 lakhs. Unable to arrange such amount, the writ petitioner returned back. He did not record the demand either by letter or email or in any other form to the said College. He filed the writ petition in May 2017 when his admission cancelled on 31st October, 2016. The initial order of status quo passed on 17th May, 2017 was therefore to no avail.

4. Several allegations have been raised in the writ petition which prompted the Single Bench to appoint the Chairman of Central Selection Committee (Ayush) to submit a report with regard to the affairs of the said College. The report was submitted on 15th December, 2017.

5. Several alleged irregularities and improprieties are reflected in the report of the Chairman. In addition thereto, the Single Bench also called upon and received a report from Special Superintendent of Police, CID, West Bengal, pointing out to several irregularities in the maintenance of CCTV footage, bank accounts, Colleges registers and the examination of the students. The Single Bench has recorded in its order that the College in question was purely private and the State had no manner of control or financial involvement therein. The College does not receive any funds from the State. This is also contained in the report of the Chairman, relied upon by the Single Bench.

6. The first question that comes to the mind of this Court is as to whether the State has any authority whatsoever to regulate the affairs of the College unless there is any criminality discovered.

7. The report of the Chairman of Central Selection Committee (Ayush), even assuming to be true, are required to be proved before a Court of competent jurisdiction by trial on evidence. The alleged findings of the CID, West Bengal are at best a report of enquiry and cannot be given credence unless the same forms part of an FIR and charge sheet, and is taken to a criminal trial.

8. In the backdrop of the above, the findings of the Single Bench in contempt proceedings are rather

egregious. While a Writ Court has wide powers to do substantial justice, it cannot travel beyond the pleadings and the prayers made therein. The idea of compensating the writ petitioner, for any unproved act or omission committed by the alleged contemnors is equally astounding. The Contempt of Courts Act, 1971 prescribes fine imprisonment under Section 12 thereof and does not conceive of any compensation to be paid.

9. At the risk of repetition it is stated that the writ petition was filed on May 16, 2017, well after the date of admission was over on 31st October, 2016, when the petitioner's admission stood cancelled. The status quo passed by the Single Bench on the said date would essentially mean nothing. The writ petition itself was a non-starter and could not have been admitted.

10. In the backdrop of the above discussion, this Court is of the view that the findings and directions in the impugned judgment dated 6th September, 2019 are not sustainable in law and are liable to be set aside.

11. For the reasons stated above, the impugned judgment and order dated 6th September, 2019 passed by the Single Bench in WPCRC 204 (W) of 2017 shall stand set aside.

12. With the aforesaid observations, all the appeals along with connected applications are disposed of.

13. There shall be no order as to costs.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)