

In the High Court at Calcutta

Constitutional Writ Jurisdiction

Appellate Side

Judgment (2)
Moumita
Daily list Item No. 2
Court No. 2

**Present :
The Hon'ble Justice Aniruddha Roy**

W.P.A. 23812 of 2025

Dr. B. R. Ambedkar College & Anr.

Vs.

Baba Saheb Ambedkar Education University & Ors.

For the Petitioners	:	Mr. Arindam Banerjee, Adv. Ms. Arpita Saha, Adv. Ms. Anamika Bari, Adv.
For the Respondent nos. 1 to 4	:	Mr. Parashar Baidya, Adv.
Heard on	:	28.10.2025
Judgment on	:	28.10.2025

Aniruddha Roy, J.:

1. Affidavit-of-service, filed in Court today, is taken on record.
2. The instant writ petition has been filed by the first writ petitioner, which is a college and the second writ petitioner is the teacher-in-charge of that college and claims to be a part of the present managing committee of the college.
3. The writ petition has been filed challenging the impugned decision of the respondent no. 1 University dated **September 19, 2025 Annexure p-8 at page 131** to the writ petition, whereunder the affiliation of the college to run B.Ed. Course was recalled and/or cancelled. The principal ground of the impugned cancellation is existence of a Civil Court decree dated **November 1, 2019**.

4. Arising out of a management dispute between two erring groups one **Malighati Dr. B. R. Ambedkar Society For Advancement Of Learning and Health**, a registered society (for short the **said society**) filed a civil suit before the learned 3rd Court of Civil Judge (Senior Division), Medinipur being Others Suit No. 61 of 2013 **Annexure p-4 at page 64** to the writ petition. The reliefs from the plaint are quoted below:

“(a) for declaration that the Governing Body of the Society, namely, MALIGHATI DR. B. R. AMBEDKAR SOCIETY FOR ADVANCEMENT OF LEARNING AND HEALTH which was elected in the Annual General Meeting held on 27.05.2007 only have right of control and management the affairs of the society and the College, namely; DR. B. R. AMBEDKAR COLLEGE (B.Ed. Section);

(b) for declaration that the Defendants are Strangers to the Society and the College;

(c) for Title of the properties of the Society as described in the Schedule ‘A’ below of the Plaint need be made;

(d) for permanent injunction restraining the Defendants and interfering with the affairs of the Society and these of the College and also to restrain them so that they may not enter the Office of the Society and the premises of the College;

(e) for permanent injunction restraining the Defendants so that they may not encash or withdraw any investment or money belonging to the Society or the College as described in Schedule ‘B’ of the plaint or otherwise;

(f) for temporary injunction in terms of prayer (d) and (e);

(f/ 1) for order of both permanent and temporary injunction against the Defendant No. 9, so that the Defendant

no. 9 may not appoint or sanction any appointment of any Teaching and Non-Teaching Staff to DR. B. R. AMBEDKAR COLLEGE (B.ED. SECTION) without sanction and recommendation of the Governing Body of MALIGHATI DR. B. R. AMBEDKAR SOCIETY FOR ADVANCEMENT OF LEARNING AND HEALTH.

(g) for costs; and

(h) for other legal and equitable relief.”

5. The suit was ultimately decreed by the jurisdictional Civil Court on **November 1, 2019, Annexure p-5 at page 83** to the writ petition, against some of the defendants it was contested and against some it was ex parte.

The operative part of the decree is quoted below :

“That the suit be and the same is decreed, on contest against the defendants No. 1, 5 and 9 and as ex parte against the rest defendant.

It is hereby declared that the B.Ed College, namely ‘Dr. B. R. Ambedkar College (B.Ed. Section)’, is run by the elected Governing Body of the plaintiff Society, namely ‘Malighati Dr. B. R. Ambedkar Society for Advancement of Learning & Health’.

The defendants are hereby restrained permanently from interfering with any decision of the Governing Body of the plaintiff Society in running of the aforementioned B.Ed. College, particularly, in respect of its administration, management, operating the schedule mentioned Bank Accounts of the College, without due course of law.

Considering the facts and circumstances of this, I make no order for cost.”

6. It is a fact that the University has renewed the affiliation of the college from time to time and last of such renewal took place for the year **2025** without raising any objection by the University. The present University being the respondent no. 1 has also filed an application under Section 47 of the Code of Civil Procedure (for short CPC), *inter alia*, with the plea that the said decree dated November 1, 2019 is fraudulent, illegal and without any basis and not executable. The plea was also taken that University was not a party to the said civil suit, **Annexure p-9 at page 132** to the writ petition. This application is pending.
7. Mr. Arindam Banerjee, learned Senior Advocate appearing for the writ petitioners draws attention of this Court to the averments made in paragraph 6 to the writ petition and submits that an appeal is also pending from the said decree filed by some of the defendants in the suit before the jurisdictional Appellate Court being **O.A. no. 64 of 2019**. Learned Senior Counsel Mr. Arindam Banerjee then submits that the present managing committee of the college has been running the college since about **2012**, who were also not impleaded in the said civil suit. On the basis of the applications made by the present managing committee the University has renewed the affiliation regularly and for the first time through the said impugned communication dated **September 19, 2025** the University **de-affiliated** the college with the plea of existence of the said decree.
8. Mr. Arindam Banerjee, learned Senior Counsel further submits that the decree does not bind the present managing committee, as it was not a party to the said civil suit. He further submits that the University on the one hand

has filed an application under Section 47 of the Civil Procedure Code and challenged the decree and on the other hand had de-affiliated the college on the plea of existence of the said decree. The University is estopped by its conduct.

9. Mr. Banerjee, learned Senior Advocate further submits once the appeal is pending from the decree, the decree is under judicial scrutiny and has lost its finality. It is really an attempt by the plaintiff decree-holder, who is not running the college, to stall running of the college. It is submitted that, the plaintiff from time to time tried to get the college de-affiliated and/or de-recognized by the University concerned and the NCTE and on every occasion litigation was there and ultimately the attempt of the plaintiff was negated under judicial review.
10. Mr. Banerjee further submits that the affiliation is issued in the name of the concerned principal/the secretary of the college. He further submits that, since the future of the several students are involved who have already applied for B.Ed. Course and deposited the requisite amounts, the affiliation may be granted in the name of the college without creating any right or equity in favour of anyone.
11. Mr. Banerjee then refers to an order passed by a co-ordinate bench in **WPA No. 22102 (w) of 2019** dated **December 4, 2019 at page 44** to the writ petition and the appellate order in connection therewith dated **December 9, 2019** passed **in MAT 1822 of 2019 at page 52** to the writ petition and submits that the Court also did not recognize the plaintiffs to

be part of the managing committee of the college and ultimately allowed the writ petition.

12. Mr. Parashar Baidya, learned advocate appearing for the University submits until the decree the set aside and since the decree remains in force, the necessary application for affiliation should be submitted by the plaintiffs. Even if previously the affiliation was granted to the college, considering its present status, it was an inadvertent act on the part of the University and the same wrong cannot perpetuate.
13. In the light of the above, learned counsel for the University submits that the impugned de-affiliation dated **September 19, 2025** is just and lawful and the writ petition should be dismissed.
14. One Mr. Sachindrannath Mishra, appears-in-person, who was the plaintiff in the civil suit and the decree-holder. He is not a party in the instant writ petition. No application for addition of party has also been filed by him. As such, he has no right of audience.
15. Mr. Anindya Bose, learned advocate appears for one Sk. Sabir Ali who claims himself to be a labour contractor. He has not been impleaded in the writ petition. No application has been filed by him for addition of party. As such, he has no right of audience.
16. Mr. Nikhil Kumar Gupta, learned advocate submits that he represents the President of the said society. He has not been impleaded in the writ petition. No application has been filed by him for addition of party. As such, he has no right of audience.

Decision:

17. Considering the rival contentions of the parties and considering the materials on record it appears to this Court, at the threshold, that a considerable number of students have already applied for the B.Ed. Course. The college has been imparting B.Ed. Course since about **2006**. The internal management disputes and filing of the said civil suit and the existence of the said decree is not possible to become aware of by the students at large. There was no public re-presentation made by the college or any of the erring groups of the alleged management of the committee at any point of time with regard to the said management dispute. These students have applied all along upon being re-presented that there is no difficulty in pursuing the course and the college imparts the same following due process of law.
18. In such circumstance, to this Court, the interest of the students are of paramount importance and the Court must see that the interest of the students are not prejudiced in any manner.
19. The admitted position is that the Civil Court decree is in existence which has adjudicated and determined the rights of the parties to the said civil suit and the suit was ultimately decreed in favour of the plaintiff. The present writ petitioners claim rival rights insofar as the management of the college is concerned since the petitioners are allegedly running the college, qua the decree, as narrated above. The application filed by the University under **Section 47 of the CPC** is pending. Similarly the appeal filed by some of the defendants is also pending, as pleaded in the writ petition.

20. Mere pendency of these proceedings would not wash away the existence of the Civil Court decree. Moreover the operation of the Civil Court decree has also not been stayed, as this Court has informed by the parties. Thus, the decree exists in its full force in favour of the plaintiff.
21. Since the Civil Court decree is in operation, considering the disputes raised through this writ petition, this Court is of the firm view that, there is no requirement of this Court to travel beyond the said existing Civil Court decree for the time being.
22. Learned counsel for the University submits, on instruction from his clients, that in the event decree-holder plaintiff applies for affiliation, it shall consider the same in accordance with law.
23. Considering the future of the large number of students, this Court directs that:
- (a) In the event the plaintiff in the said civil suit/decreed-holder applies for affiliation before the University positively by **3.00 pm. tomorrow i.e. October 29, 2025**, the University shall consider the same and grant the necessary affiliation in favour of the college and the letter of granting affiliation shall be issued **in the name of the college only** positively by **October 31, 2025**. The Email ID and Password, in that case shall be provided to the plaintiff/decreed-holder.

(b) In the event, no such application is received by the University from the plaintiff/degree-holder, then the University itself shall issue the letter of affiliation ***in the name of the college only*** positively by ***October 31, 2025***. The connected Password and Email ID also shall be provided to the petitioner no. 2 upon verification of his identity and status qua and in relation and connection to the college.

(c) The University shall cause all the necessary compliance in this regard and if any ***uploading*** of such affiliation is required to be done on any ***official website***, the same shall also be done ***simultaneously***.

24. The learned counsel for the University submits that the 3rd phase of admission for the B.Ed Course has not yet commenced, as no notification has yet been published.

25. It is made clear that, this order shall not create any right or equity either in favour of the plaintiff/degree-holder in the said civil suit or in favour of the writ petitioners herein. Ultimately the right of the plaintiff degree-holder and the writ petitioners shall abide by the finality of the Civil Court decree dated ***November 1, 2019*** by following the final result of the pending challenges thrown to the said decree, as stated above.

26. Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

27. With the above observations and directions this writ petition, **WPA 23812 of 2025** stands ***disposed of***, without any order as to costs.

(Aniruddha Roy, J.)