

22.04.2026
Item No.03
Court No.11
KCP

MAT 697 of 2026
with
IA No. CAN 1 of 2026

**Monteswar College of Pharmacy
- Versus -
The State of West Bengal & Ors.**

Mr. Abhratosh Majumdar, Sr. Adv.
Mr. Arkadipta Sengupta
Mr. Tirthankar Dey
Ms. Deboleena Ghosh
Ms. Ria Naskar
... for the appellant

Ms. Mitali Mukherjee
Mr. Partha Sarathi Sen Sharma
... for the State

Mr. Suman Dey
... for the respondent nos. 2 & 3

The present appeal has been preferred challenging an order dated 9th April, 2026 passed by the learned single Judge in the writ petition being WPA 3876 of 2026. The said writ petition was preferred challenging an order dated 16th January, 2026 passed by the respondent no.3.

Mr. Majumdar, learned senior advocate appearing for the writ petitioner/appellant submits that several other colleges including the colleges referred to in the annexures to the writ petition, whose deficiencies are as bad of the appellant or worse, have been granted concession and have been affiliated by the respondent no.3 but a different yardstick has been applied in case of the appellant. Such act of the respondent no.3 is arbitrary but the learned single Judge erroneously

observed that the appellant is seeking negative equality.

Mr. Dey, learned advocate appearing for the respondent nos.2 and 3 denies and disputes the contention of Mr. Majumdar and submits that in view of the deficiencies, as pointed out in the order dated 16th January, 2026, affiliation was refused.

Ms. Mukherjee, learned advocate enters appearance on behalf of the State respondents.

In reply, Mr. Majumdar submits that on 18th April, 2026, an inspection was conducted by Pharmacy Council of India (in short, PCI) and in the report it has *inter alia* been observed that '*all infrastructure laboratory equipments and laboratories classrooms teaching and nonteaching staff are satisfactorily available*'. In view thereof, there can be no hindrance towards grant of affiliation to the appellant.

Heard the learned advocates appearing for the respective parties and considered the materials on record.

The inspection report of PCI upon which reliance has been placed by Mr. Majumdar is for the academic session 2026-2027. It appears that no issue has been finally decided by the order impugned in the present appeal. By the said order the parties have been directed to exchange their affidavits and the matter has been fixed for final hearing on 15th May, 2026.

In the said conspectus, no interference is called for in the present appeal and the appeal and its connected application are, accordingly, dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Rai Chattopadhyay, J.)

(Tapabrata Chakraborty, J.)