

17.03.2026
Sl. No. 286
Ct No. 24
SG

WPA 26954 of 2025

**Subham Bose & Ors.
Vs
The State of West Bengal & Ors.**

Mr. Soumya Majumder, Sr. Adv.
Mr. Sumitava Chakraborty,
Ms. Bratati Pramanick.

...for the petitioners

Mr. D.N. Maiti,
Ritick Chowdhury,
Mr. A. Santra.

...for respondent nos. 2 to 5

Mr. Biswaroop Bhattacharyay.
Mr. Barnamoy Basak.

...for respondent no. 6

Mr. Swapan Dutta,
Mr. Dipankar Dasgupta,
Ms. Debdooti Dutta.

...for the State

1. Pleadings filed by the parties be kept with the record.
2. The petitioners are students who have taken admission in the respondent no. 6 in a course which will grant a degree as Bachelor in Hospital Administration (BHA). This course has no involvement of any medicinal or medical practice or knowledge of any medical or even any allied subject. This course would merely give a person a right to work in a hospital on the administrative side. Even on the administrative side, it could be a far lesser job related to almost ministerial work. It does not call for any desk job or decision making in any manner

whatsoever. The petitioners, 28 in number had applied for and obtained admission into the respondent no. 6 in March, 2025 and has been participating in the classes conducted for the degree in BHA.

3. None of the petitioners are JENPAS qualified and had taken admission to the college directly. Interestingly, the college has 60 seats for this BHA degree, out of which only 12 were filled up. There were 48 seats empty when the petitioners were admitted as students in the college. The petitioners had applied for registration in March, 2025 for the first semester examination, which had been denied to them by the university as they were not JENPAS qualified. Though the said refusal was not challenged by the petitioners, the university had sometime in September, 2025 indicated to the college that the entire process of registration of the petitioners was under consideration before the technical department and the university would revert back to the college once such verification was done. There is no further e-mail or response from the university pursuant to the e-mail of September 27, 2025.

4. At this juncture while sitting for the third semester (the second semester has also passed) that the petitioners have approached this Court by way of this writ petition sometime in November, 2025.

5. Mr. Majumder, learned senior advocate appearing for the petitioners has raised only two issues. First, that there have been earlier instances in 2022 and 2023 when by way of notifications for the respective years non-JENPAS qualified students have been permitted to undertake the examination upon registration being directed by the university. The second issue is that the requirement of the petitioners is a mere 10+2 (passed in English) qualification. The nature of the job that will be discharged by the students obtaining the BHA degree will be ministerial in nature, hence does not require any further qualification than as aforesaid as specified in the information bulletin published by the West Bengal Joint Entrance Examination Board (WBJEE).

6. Mr. Bhattacharyay appearing for the respondent no. 6 has submitted that total number of seats of the college 60 was vacant, except for the 12 seats which have been filled up pursuant to counselling and mop up rounds by counselling by JENPAS qualified students. Hence, 48 seats were empty and would remain empty for the entire 3-year course. In fact, he also submits that the college had also informed the university that such students were being admitted, who are not JENPAS qualified. Mr. Bhattacharyay submits that the petitioners were admitted much after the admissions of JENPAS students had closed and there was no further

opportunity of any students being admitted. Ostensibly there were no other students who could have been admitted into the vacant seats of the college, It also appears from his submission that this is the only college which offers this sort of course in hospital administration.

7. Learned advocate appearing for the respondent nos. 2 to 5 submits that the earlier notifications of the year 2022-23 relaxing the admission rules and indeed permitting non-JENPAS students to be admitted to the colleges affiliated to the university was a one-time measure, principally relating to the Covid period. Second he submits that the Ordinance 126 of the West Bengal University of Health Science, 2003 (hereinafter 'the said statute') prohibits admission of any non-JENPAS student to any of the college and hence registration with the university.

8. He also submits that the petitioners ought to have approached this Court in March, 2025 when they were refused the opportunity to take examination for the first semester. Thus, this belated approach by the petitioners should not be entertained.

9. I have heard the learned counsel for the parties and considered the documents on record. There is no doubt that the college is the mischief maker. The college ought not to have taken students who were not JENPAS

qualified under any circumstances, which would not have created the present situation.

10. The submissions made by learned counsel appearing for the respondent nos. 2 to 5 are correct inasmuch as it is impermissible in law to admit non-JENPAS qualified students and the same should ordinarily not be allowed. In the present case, it is a pure question of balancing the equities. The number of seats in the college of about 60 would have all remained vacant throughout the entire course, except for the 12 which were filled by JENPAS qualified students. Thus, 48 seats would remain vacant. The college chose to admit these 28 petitioners who were not JENPAS qualified to fill up 28 of the 48 seats. Even at present there are 20 vacant seats in the college.

11. The university under Ordinance 127 of the said statute is obliged to maintain its register which would truly reflect the number of students in each college along with particulars of such students as mandated therein. The university by its e-mail of 27.09.2025 had relayed to the college that it was in the process of verifying the particulars of the students and would revert back once such verification was completed. The petitioners on the basis of this verification being done by the university had chosen not to approach this Court, relying on the fact that upon verification, their names could have been

included in the register of the university. Hence, the delayed approach albeit the instant writ petition in November, 2025.

12. The admission of the petitioners or their consequential registration with the university thereby permitting them to participate in the third semester examination and also take the first semester examination, if permitted by the college, will not prejudice any other students in other manner whatsoever. The continuation of the petitioners in the college from March, 2025 till date has not been challenged by any person nor has the university ever challenged the admission of the students in the college on the ground that they are not duly qualified. On the contrary, the university had sought to revert back upon verification, which they never did.

13. It can thus safely be assumed that there is no other student more eligible than the petitioners or as eligible or better placed as the petitioners whose rights would be defeated or even prejudiced, if the petitioners are permitted to be registered with the university and consequentially to sit for the semester examination.

14. The balancing of equities is such that 28 seats in a college, which would otherwise remain vacant for the entire course is being occupied by students who are qualified in terms of the eligibility criteria provided in the information bulletin, by the WBJEE. Balancing of equities

is students pursuing a course to meet its logical end by way of examination to pursue a career. These equities as against a technical issue that the petitioners approached the Court belatedly, a further issue that the petitioners are not JENPAS qualified or that they were not validly admitted by the college authorities. The balance of the equities seems clear enough. The interest, rights and careers of aspiring students ought to be protected. More so, in this case, since the petitioners are not depriving any other better or atleast equally placed students in any manner.

15. In view of the aforestated discussions and observations, I direct the university the respondent nos. 2 to 5 particularly respondent no. 3 to register the petitioners by March 25, 2026 to enable the petitioners to sit for the examination of the third semester and first semester, if permitted, to be held on March 30, 2026.

16. I make it clear that this order is being passed in the peculiar facts and circumstances of this case, which does not in any manner condone the acts of commission and/or omission of the college authorities.

17. I make it clear that this order will not create a precedence in future for students admitted in the similar manner by this particular college or by any other college in violation of the laid down procedure.

18. With the aforestated directions, the present writ petition is disposed of.

19. There shall be no order as to costs.

20. Let urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)