25th Nov., 2026

Item no.D/L 53
Court No. 24

Pradip, A.R.(Ct.)

In the High Court at Calcutta

Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 33062 of 2026**

In the matter of:

Pathak College of Education & Anr.

.... Petitioners

VS.

The State of West Bengal & Ors.

....Respondents

For the Petitioners:

Mr. Samim Ahammed
Mr. Nasirul Haque

....Advocates

For the State:

Mr. Sahasrangshu Bhattacharjee, Ld. AGP
Mr. Bikash Chandra Das
Mr.Suchindram Bhattacharjee

....Advocates

For the NCTE:

Ms. Asha G. Gutgutia

....Advocate

For the University:

Mr. Billwadal Bhattacharyya, Ld. AAG
Mr. Parashar Baidya

....Advocates

1. Affidavit of service filed in Court today is taken on record.

2. The first petitioner claims to be a self-financed Institute imparting B.Ed course to the students. The second petitioner claiming to be the Officer-in-Charge of the Institute.

3. The petitioners are aggrieved by the act of Baba Saheb Ambedkar Education University publishing a list of colleges non-eligible for renewal of affiliation under the University for the academic session 2026-27. The petitioner Institute has been incorporated in the said list.

4. The note of the University preceding the list mentions that the enlisted colleges are not able to meet the expected criteria and

hence are found ineligible for affiliation (renewal) and therefore are not allowed to admit the students in B.Ed course for the session 2026-28. The colleges have been directed to immediately overcome their deficiencies to make themselves eligible for admission in the session 2027-29.

5. There are 205 colleges mentioned in the list published by the University which are ineligible for renewal of affiliation for the academic session 2026-27/28.

6. The petitioners allege that the particular reason or ground on which the Institute has been found to be ineligible for renewal of affiliation and admission of students has not been disclosed. For non-disclosure of the reason of ineligibility, the bar to take admission ought to be set aside. The affiliation of the Institute ought to be renewed.

7. The petitioners submit that a show cause notice was issued by the University pointing out certain deficiencies. The Institute was permitted 21 days' time to file response to the show cause which the Institute filed before the Registrar (Acting) of the University. The petitioners allege that no decision has yet been taken by the University on consideration of the reply to the show cause.

8. The University published a notice for admission in the B.Ed. programme. The petitioners not being aware of the fate of their reply to the show cause are not in a position to take admission in the Institute because of the bar imposed by the University. Until and unless affiliation of the Institute is renewed, the Institute will not be in a position to take admission of the students.

9. It has been submitted that the University ought to have taken a decision after considering the response given by the petitioners.

10. The petitioners pray for a direction upon the University to allow the Institute to take admission in the B.Ed course for the session 2026-28.

11. The submission and prayer of the petitioners have been vehemently opposed by the learned senior counsel representing the University. It has been submitted that there are glaring deficiencies that were detected at the time of surprise inspections. The University cannot permit the Institute to take admission of students till the deficiencies are cured.

12. It has been submitted that the Institute has been allowed time to rectify the deficiencies for taking admission in the future academic year.

13. Learned senior counsel representing the University has drawn attention of the Court to a communication dated May 18, 2026 made by the Chairman, Sikkim Students Welfare Board, HRDD, Sikkim addressed to ADG (Law & Order), West Bengal Police Directorate complaining against illegal practice by B.Ed/D.El.Ed institutions in West Bengal.

14. The communication specifically mentions about inspection team by the Board of Sikkim in various colleges in the State of West Bengal for approval of scholarships for SC-ST students. During inspection, the Sikkim authority found that several colleges in this State do not have proper infrastructure and certified faculty to run the course.

15. It has been found that some faculty members have been appointed in different institutions for the same position simultaneously. The

Sikkim authority found several malpractices which are flourishing in the State of West Bengal.

16. The attention of the police has been drawn to the allegations of nexus between several private colleges, HRDD officials and NCTE. Such practice has been found to have affected the entire education system of this State.

17. The Sikkim authority opined that the illegal practice is destroying the credibility of the teacher education and misleading thousands of unemployed youth who obtained their degrees.

18. A request has been made by the Sikkim authority to intervene in the matter and to order for high-level inquiry by the Department of Higher Education along with NCTE Eastern Regional Committee into the functioning of B.Ed/D.El.Ed colleges in the State of West Bengal which are running without fear.

19. In response to such communication, the authorities in the State of West Bengal including the Higher Education Department took up the issue and conducted surprise inspections to ascertain the genuinity of the allegations made in the complaint by the Sikkim Board.

20. The University has also relied upon an order dated July 31, 2026 passed by this Bench in WPA No.19240 of 2026 in the matter of Sanjana Mandal & Anr. v. The State of West Bengal & Ors. wherein the Court expressed displeasure about the activity of the B.Ed self-financed colleges and opined that the colleges are only concerned about their finance and hardly take care of the academic career of the students.

21. The Court expressed opinion that the Higher Education Department of the State and NCTE ought to keep regular checks over the self-financed colleges to ascertain as to whether education is at all imparted in the colleges or they are merely functioning for the purpose of generation of revenue.

22. The Court directed the Secretary, Higher Education Department to constitute a special team consisting of competent officers to investigate and ascertain the status and functioning of the self-financed B.Ed colleges in the State.

23. NCTE was also directed to constitute a separate team to inspect each and every self-financed B.Ed colleges in the State to ascertain the mode and manner of their functioning.

24. Learned counsel for NCTE submits that the Institute ought to follow the provisions of law for renewal of affiliation and for admission of students.

25. Upon hearing submissions made on behalf of the parties and on perusal of the documents placed before this Court, the Court is of the considered opinion that the prayer of the petitioners to permit the Institute to take admission of the students in the current academic session cannot be allowed. The same is particularly because of the several deficiencies that have been pointed out by the University.

26. Till the deficiencies are rectified and the University is satisfied with regard to the infrastructural facilities of the Institute for imparting education to students, the affiliation of the college ought not to be renewed. If the deficiencies are not rectified, then the students who will take admission in the course will be the worst sufferers.

27. The petitioners contend that they have already given a detailed response to the show cause notice dealing with the deficiencies pointed out.

28. The competent authority of the University is directed to take a decision on the response given by the petitioners upon giving reasonable opportunity of hearing to the petitioners to place documents in support of their stand.

29. Only if the University is satisfied that the Institute would be in a proper position to impart education to the students, the University may take a decision to renew the affiliation of the Institute.

30. A decision shall be taken by the competent authority of the University in accordance with law at the earliest but positively within a fortnight from the date of communication of this order.

31. If the University is satisfied with the infrastructural facility of the Institute for functioning as B.Ed college, then the University may take a decision to extend the time period for taking admission in the current academic session.

32. It has come to the notice of the Court that after obtaining affiliation, the Institute, on many occasions, has been found not to act in the interest of the students and there are occasions when the Institute shuts down leaving the students in a quandary. In such situation, academic career of a student gets affected. To prevent and deal with any such situation, the Court thinks it fit to direct NCTE to constitute a dedicated team to physically inspect each and every self-financed B.Ed colleges in the State and conduct regular surprise visits to ascertain as to whether the Institutes are functioning strictly in accordance with law.

33. The said step shall be an ongoing one. The steps taken by NCTE and the University shall be absolutely separate and both will act within their respective jurisdictions.

34. The writ petition stands disposed of.

35. Parties to act on the basis of the server copy of this order duly downloaded from the official *website* of this Court.

36. Certified server copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)