

27.03.2025
Item Nos.16,
150 & 151
gd/ssd

WPA(P)/81/2025
ABAHELITO STUDENTS ALLIANCE
(ASA) AND ORS.
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/519/2023
RISHAV SAHA
VS
STATE OF WEST BENGAL AND ORS.
with
WPA(P)/442/2023
SAYAN BANERJEE
VS
STATE OF WEST BENGAL AND ORS.
IA NO: CAN/1/2023

Mr. Uday Sankar Chatterjee,
Mr. Anindya Sundar Das,
Mr. Syed Ali Afzal,
Mr. Debapriya Samanta,
Mr. Pranay Basak,
Ms. Paramita Mondal,
Ms. Bidisha Chakraborty,
Ms. Suva Gayen,
Mr. Suman Halder,
Mr. Md. Sohail
..for the Petitioners in
WPA(P) 81 of 2025.

Mr. Soumya Dasgupta,
Mr. Ritankar Das
..for the Petitioner in
WPA(P) 519 of 2023.

Mr. Sayan Banerjee
..Petitioner (In Person) in
WPA(P) 442 of 2023.

Mr. Sirsanya Bandopadhyay,
Ms. Tapati Samanta
..for the State in
WPA(P) 81 of 2025.

Ms. Amrita Panja Moulick
.. for the State in
WPA(P) 519 of 2023 and

WPA(P) 442 of 2023.

1. These three writ petitions concern the conduct of the elections to the Students Union Council in all the State Government affiliated Universities and Colleges in the State of West Bengal.

2. The first of such writ petition is WPA(P) 519 of 2023 wherein prayer was made to withdraw the West Bengal Universities and Colleges (Composition, Functions and Procedure for Election of Students' Council) Rules, 2017 by incorporating the recommendation envisaged by the Lyngdoh Committee and draft a proper rule for election of the students body in colleges and universities.

3. In the said writ petition the reference has been made to the judgment of the Hon'ble Supreme Court in SLP 24295 of 2004 in which the Hon'ble Supreme Court has accepted the report submitted by the Lyngdoh Committee.

4. WPA(P) 442 of 2023 has been filed for a direction to identify the passed out students of any stream in Jadavpur University; to maintain strict vigil in the campus, to implement the rules and recommendations of Raghvan committee dated 7.5.2023 and for other incidental and ancillary reliefs.

5. In the said writ petition an order was passed on 5.9.2023 issuing certain directions and

paragraph 4 of the order would be relevant for the present which is quoted hereinbelow:

“4. The respondents/State shall file an affidavit as to whether any directive has been issued to the various universities/institutions in the State of West Bengal regarding timely conduct of the students’ union election and as to whether any directive has been issued to the 2 Universities/institutions regarding constitution of the Anti Ragging Committee and Anti Ragging Squad. If that has not been done, we direct the concerned authority of the State Government to immediately issue appropriate directions to all Universities/institutions for conduct of the students’ union election and forthwith constitution of Anti Ragging Committee and Anti Ragging Squad.”

6. It is submitted by the learned senior standing counsel for the State that an affidavit has been filed by the State.

7. Though the matter concerns a particular University essentially the relief sought for is to implement the Raghvan committee recommendations wherein recommendations have also been made for the periodical conduct of the Students Union Elections and there is a reference to the Lyngdoh Committee’s report as well as to the decision of the Hon’ble Supreme Court.

8. The third writ petition is WPA(P) 81 of 2025 which is also a public interest litigation praying for a direction for conducting the Elections of Students Unions or Councils of the Government affiliated Universities and Colleges in West Bengal forthwith.

9. As could be seen from the annexures to the said writ petition the Higher Education Department of the State Government having issuing periodical notifications keeping in abeyance all processes related to the Elections of Students Unions in the Universities and their affiliated Colleges.

10. This process has been adopted from the year 2013 onwards except Jadavpur University wherein elections are said to have been conducted in the year 2017-18.

11. In the affidavit filed by the State in WPA(P) 442 of 2023 it is stated that in none of the Universities and affiliated Colleges Students Election has been conducted.

12. We have heard the learned advocates appearing for the parties as well as the petitioner appearing in person in WPA(P) 442 of 2023 and the learned senior standing counsel appearing for the respondent State.

13. As on date the rule which is in vogue is the West Bengal Universities and Colleges (Composition, Functions and Procedure for Election of Students' Council) Rules, 2017 which was notified on 7.6.2017. In terms of Rule 3 there is a mandate that the election of the Students' Council shall be conducted regularly once in every two years as may be advised by the State Government from time to time, and every

such elected Students' Council shall ordinarily have a tenure of two years unless otherwise directed by the State Government.

14. Thus, as long as the mandate of the Rule is in vogue, elections are required to be conducted. It may be true that expert committees have submitted reports which has also been accepted by the Hon'ble Supreme Court but nonetheless the State has not taken any steps to amend the rules in tune with the recommendations of the expert committee which report was accepted by the Hon'ble Supreme Court.

15. Therefore, as on date we have to proceed based on the existing Rule as notified in the year 2017 where under Rule 3 there is a mandate to conduct elections regularly once in every two years.

16. The learned advocate for the petitioners in WPA(P) 81 of 2025 submitted that it may be open to the State to amend rules and the petitioners in this writ petition are not concerned about the nomination of the President of the Students' Council or nomination of the Treasurer of the Students' Council and all of them seek for conduct of elections.

17. Thus, considering the fact that it has been more than one decade since elections have been conducted to the Students Union in the State, we require a clear stand to be taken by the State Government more particularly the Higher Education

Department as to how they propose to proceed further and comply with the mandate under the Rule which is a statutory requirement and the authorities cannot ignore of the said statutory requirement and keep postponing elections from time to time from the year 2013-16 onwards.

18. Let such affidavit be filed within two weeks from date.

19. Advance copies be served on the learned advocates/party in person appearing in the three writ petitions.

20. Liberty is granted to file reply, if they so desire, within a week thereafter.

21. List these matters on 1st May, 2025.

(T. S. SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)