

August 30, 2024
AD 3
Ct. 17
SG

WPA 10655 of 2024
with
CAN 1 of 2024
CAN 2 of 2024

Minahajuddin and another
vs.
The State of West Bengal and others

Mr. Abhratosh Majumder
Mr. Chandrachur Chatterjee
Mr. Tanmoy Sett

... for the petitioners.

Mr. Bhaskar Prosad Banerjee
Mr. Parashar Baidya

... for the University.

Mr. Kamalesh Bhattacharya
Mr. Robiul Islam
Mr. Raju Mondal
Mr. Masooq Rahman

... for the respondent No.6.

Ms. Asha G. Gutgutia

... for the NCTE.

A communication dated 29.08.2024 filed by the University is taken on record.

Copy of e-mail dated 28.08.2024 sent by the University to the petitioners' e-mail id as filed in Court is also taken on record.

Learned counsel for the petitioners submits as follows. Pursuant to the direction of the Division Bench, the University purportedly conducted an enquiry on 01.03.2024 on the basis of the order. It was allegedly found that the private respondents were under control of

the college. But, the enquiry report in question was never forwarded to the petitioners. This order is now under challenge. However, for the session 2022-24 the date of filling up form for the fourth semester examination will end on 31.08.2024. The students need to fill up examination form. But, the University is not allowing the petitioners to take steps in this regard through their e-mail. Although the University authorities had passed such impugned order, they had even thereafter communicating to the petitioners through their existing e-mail id. Even on 28.08.2024 such an e-mail was sent.

Learned counsel for the private respondent denies the allegations made in the writ petition and submits that the impugned order is quite clear that the e-mail id and the phone number to be used for admission and other purposes pertaining to the college would have to be that of the private respondents. The private respondents are ready to allow such students who are not being able to fill up their respective examination forms to apply through e-mail by August 31, 2024.

Learned counsel for the University relies on the documents filed today and submits that they stand by the impugned order. Out of 64 students for the session, 25 students have already approached them and filled up forms. However, he prays for further time to take instructions on the e-mails sent by the University to the e-mail id of the petitioners.

It appears that the University had been praying for adjournments for filing affidavit-in-opposition.

Let the University file a comprehensive affidavit-in-opposition dealing with all the aspects by September 4, 2024.

The interest of the students should be a paramount consideration.

In view of the same and without creating any equity in favour of anyone, let the students for the course, even if they are under control of the petitioners, approach the respondent No.6 in writing through their e-mail id by 6 pm today. If they make such prayer to fill up forms and deposit fees, the respondent No.6 shall act on their behalf and do the needful and take all further steps in this regard with the University. The University, in turn, should send necessary link for payment of fees, if not sent already.

Reply, if any, be filed within September 13, 2024.

List the matter for further hearing under the heading “For Orders” on September 18, 2024 at 2.30 pm.

Parties shall act on a server copy of this order duly downloaded from the official website of this Court.

Advocates on Record shall be at liberty to communicate gist of this order to the other side or relevant authorities.

[Jay Sengupta, J.]

