

SUPREME COURT OF INDIA

Soumadeep Ghosh

Vs.

State of West Bengal

C.A.No.3191of 2009

(K.G.Balakrishnan CJI., P. Sathasivam and Dr.Mukundakam Sharma JJ.)

04.05.2009

ORDER

1. Delay condoned. Leave granted. By a common judgment, the Division Bench of the High Court of Calcutta, in a series of Writ Petitions, has set aside the admissions of the students in various Engineering colleges in the State of West Bengal. The Division Bench found that the admissions were improperly made and these students had not appeared for the counselling and that some of them were not fully qualified in the Entrance Examination. Aggrieved by the same, some of the students and institutions have filed these appeals before this Court. Heard learned counsel for the appellants and also learned counsel for the Respondents. It appears that these colleges take the stand that large number of seats have been lying vacant for the admissions to be made and the students be given admissions, as otherwise these seats would go waste. But we do not think that the plea taken by the colleges could be accepted. However, having regard to the larger interest of the students, we make the following order : In the present appeals, the appellant-Engineering Colleges had made admissions contrary to the A.I.C.T.E. regulations and guidelines of West Bengal Joint Entrance Examination Board as well as Central Selection Committee. In total, there are about 8 private Engineering Colleges who had made 110 admissions of students who were not allotted to them by the counselling process. Since private colleges cannot be permitted to make admissions on their own, the management quota for the next academic years i.e. 2009-10 and 2010-11 of their colleges shall reduce as to set off the effect of their admissions made by them in the academic year 2008-09 by entering fresh students as having been admitted in the management quota. It is made clear that admissions would be given to only those students who have secured marks above the cut-off marks of both in the West Bengal Joint Entrance Examination and also in the All India Engineering Entrance Examination. The colleges concerned are directed to file undertakings before this Court within a period of four weeks. Appeals are disposed of accordingly. No costs.