

Sylvan Polytechnic College & Anr vs Union Of India & Ors on 2 February, 2023

Author: Aniruddha Roy

Bench: Aniruddha Roy

Court No. 22
02.02.2023
(Item No. 56)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction

Appellate Side

(AB)

W.P.A. 27647 of 2022

Sylvan Polytechnic College & Anr.
VS
Union of India & Ors

Mr. Indranil Nandi
Mr. Sayak Konar

..... for the petitioners

Mr. Debu Chowdhury
Mr. D. Karmakar

.... For respondent Nos. 3 to 7

Mr. Shailendra Kumar Mishra For Union of India Pursuant to the direction made by this Court on February 1, 2023 an affidavit on behalf of the respondent Nos. 3 to 7 affirmed on February 2, 2023 has been filed today, the same is taken on record. A copy has been served upon Mr. Indranil Nandi, learned counsel for the petitioner. in its previous affidavit affirmed on January 31, 2023 is quoted below:

"That accordingly both the sides sat on 24.01.2023 at their Salt Lake office, and after going through the documents and considering the same, it was decided that in accordance with the prescribed rules, and in order to accord sanction or approval, it is in accordance with prescribed procedure that a SAC needs to be arranged to evaluate the same, and that SAC is to be formed only by the AICTE Headquarter at New Delhi, to examine the deficiencies complied by the Institute.

Photocopy of the minutes of the meeting dated 24.01.2023 is annexed herewith and marked as Annexure - C/1."

in today's affidavit is quoted below:

"That accordingly both the sides sat on 24.01.2023 at their Salt Lake office, and after going through the documents and considering the same, it was decided that in

accordance with the prescribed rules, and in order to accord sanction or approval, it is in accordance with prescribed procedure that a SAC needs to be arranged to evaluate the same, and that SAC is to be formed only by the AICTE Headquarter at New Delhi, to examine the deficiencies complied by the Institute.

Photocopy of the minutes of the meeting dated 24.01.2023 is annexed herewith and marked as Annexure - S/1.

That it is clarified that the four deficiencies as pointed out by the institute, are i. Statement of account from the bank indicating salary proof of the faculty members-Deficiencies exists.

ii. Certificate of Barrier free environment campus from the Competent Authority - Document accepted by the SAC dated 28.12.2021. Hence deficiency already complied.

iii. Certificate of fire - The documents produced by the institute accepted by EVC conducted on 07.01.2021. Hence, deficiency already complied.

iv. Certificate of occupancy from the Competent Authority - Document

accepted by the SAC dated 14.10.2022. hence, deficiency already complied."

It may further be stated that based on the SAC held on 14.10.2022, the following deficiencies have not been complied by Sylvan Polytechnic, till date.

- i. Journals
- ii. Library management software
- iii. Implementation of food safety and

standard Act, 2006 at the institute. iv. Details of faculty members of the institutions (only 7 available against recruitment of 36) v. Whether salary for all the faculty member are paid as per 6/7th pay commission recommendation.

vi. Whether the payment of salary is through RTGS/NEFT vii. Online List and details of hard copy of National Journals subscribed (only 1 journal against the recruitment of 24) viii. TDS certificate of all the faculty members. Hence, the committee dated 24.02.2023 recommended conducting the SAC of the institute so as to verify compliance of above deficiencies before examining the matter further.

Photocopies of communication dated 23.12.2021 & 26.12.2021 are annexed herewith and marked as Annexure - S/2.

From reading of the averments made in the said affidavits it is clear that, an alleged deficiency still remains according to respondent Nos. 3 to 7 on the part of the petitioner with regard to statement of account from the bank indicating salary proof of the faculty members as indicated in today's

affidavit in paragraph 4(i) thereof. The rest of the deficiencies are admittedly cured as admitted by respondent Nos. 3 to

7. Mr. Indranil Nandy, learned counsel appearing for the petitioner relied upon a letter of his client dated January 24, 2023, Annexure P-28 at page 10 to the affidavit filed by the petitioner pursuant to the direction of this Court dated January 10, 2023 affirmed on January 31, 2023 and submitted that, the necessary statement of account was made available to the respondent Nos. 3 to 7 repeatedly from time to time and last of such production of statement of account was made by the petitioner though the said letter dated January 24, 2023. He further referred to an affidavit affirmed by his client pursuant to the requisition made by the respondent Nos. 3 to 7 at page 76 to the writ petition which was affirmed on September 20, 2021 and was duly uploaded in the official portal of the respondent No. 2, which also contained the same statement of account as available at page 79 onwards in the writ petition. He submitted that, this is a frivolous stand now being taken by the respondent Nos. 3 to 7 with a sheer non- application of mind and result of a mechanical approach.

Mr. Debu Chowdhury, learned counsel appearing for respondent Nos. 2 to 7 submitted on the query raised by the Court that, one Mr. Mrinal Knawar, the Eastern Regional Officer is the appropriate person who can explain the same to this Court.

In view of the above, the said Mr. Mrinal Kanwar is directed to be present personally before this Court on February 6, 2023 at 10.30 A.M. to explain the stand of the respondent Nos. 2 to 7 as referred to above.

The writ petition shall appear under the heading "Specially Fixed" on February 6, 2023 at 10.30 A.M. (Aniruddha Roy, J.)