

In the perspective of the order passed by Hon'ble Mr. Justice Aniruddha Bose passed on 10th December 2012 in WP No 18448 (W) of 2009 (Sayed Barkat Ali Versus The Vice Chancellor, West Bengal University of Technology) a hearing was conducted by me in my office on 1st November 2013 wherein Aryabhata Institute of Engineering and Management was represented by its Director Sri R. K. Singh. The student (Petitioner) Sayed Barkat Ali was also present.

A questionnaire was given to both the College and student. The Director, in reply to the questionnaire, has admitted in writing that the admission of Syed Barkat Ali was an error and he has expressed his regret for such admission.

The student, in reply to his questionnaire has given in writing, that when all other colleges had refused his admission to Computer Science and Engineering Course on the basis of his obtained rank in B.Pharm in JEM 2007 Aryabhata Institute of Engineering & Management assured him that there would be no difficulty in pursuing a course in Computer Science & Engineering for which his father had to pay a donation of Rs. 4 Lakhs to the Institute as reported.

From the written submissions of sayed Barkat Ali, I find that he appeared in the 1st and 2nd Semester Examinations without any Registration Number, Roll No and Admit Card of WBUT.

It is also to be taken note of that Aryabhata Institute of Engineering & Management while submitting the name of Sayed Barkat Ali along with four other students of the college, vide their letter No. Nil dated 09.06.2009 for grant of Registration Number, subsequently chose to cancel his name from the list.

In this connection, I have enquired from the registration department and found that the four other students of the college who also had been admitted beyond the given intake of the college, had the eligibility for admission and thus were given registration numbers whereas Sayed Barkat Ali did not have the eligibility for admission to Engineering Course in 2007 as he had rank in B.Pharm in JEM 2007.

I find that Sayed Barkat Ali having a rank in B.Pharm in JEM 2007, was not eligible to be admitted in B.Tech Course as per rules of admission prevailing at that time.

Sayed Barkat Ali, being fully aware of his ineligibility for admission in any Engineering Branch thought that payment of a donation of Rs. 4 lakhs as reported by him would make him eligible for admission. Such illegal action cannot be condoned in any manner in an educational Institution.

Simultaneously the Institute cannot escape its liability of having allured a student to take admission in a course where he was not legally entitled to, violating the rules of admission.

If such illegal action of the Institution and the student is condoned it would pave the way for further illegal admissions in future. As such I hold that the admission of Sayed Barkat Ali cannot be regularized.

Both the student and the college were responsible for this misadventure but the college had played the major role in alluring the student to seek admission in lieu of donation and thus cannot escape its liability to compensate the student for the damage caused to his career.

Under these circumstances, it is advisable that the college should refund the amount of Rs. 4 lakhs taken as donation as reported by the student and interest accrued thereupon @ 12% per annum till the date of such payment. It is further advisable that an amount of Rs. 25 lakhs should be given as compensation to the student, by the college.

However the misadventure of the college will also be looked into administratively.

Let a copy of this order be forwarded by the Registrar, to the respective parties.



Vice-Chancellor
West Bengal University of Technology
Kolkata - 64

Ranjan Bhattacharya
04.11.2013

Prof. Ranjan Bhattacharya
Vice Chancellor
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