ARCHIVED COURT-TEXT MIRROR — NOT AN OFFICIAL OR CERTIFIED COURT PDF

(Amal Chandra Das vs State Of West Bengal & Ors.) on 7 October, 2024

Source: https://indiankanoon.org/doc/77775976/
Retrieved: 6 November 2026. Local typeset reproduction of the public Indian Kanoon court text.
Pagination differs from the court original. Verify against the court record.

[Cites 4, Cited by 0]

Calcutta High Court (Appellete Side)

(Amal Chandra Das vs State Of West Bengal & Ors.) on 7 October, 2024

2
07.10.2024
Ct. No. 11
rrc

WPA (P) 430 of 2024
(Amal Chandra Das Vs. State of West Bengal & Ors.)

(Assigned)

Ms. Debjani Ray
Mr. Bikram Banerjee
Mr. Sudipta Dasgupta
Mr. Arijit Bakshi
Ms. Sinjini Chakrabarti
Mr. Baibhav Ray
.... For the petitioner

Mr. Biswabara Basu Mallick, AGP
Ms. Parna Roy Choudhury
Ms. Sujata Mukherjee
..... For the State respondents

Mr. Soumya Majumder
Ms. Sanjukta Dutta
..... For the Jadavpur University

Mr. Sougata Mitra
Mr. Subhadeep Maity
Ms. Soma Chakraborty
..... For the Sidho Kanho Birsha University

1. In the first line of paragraph 10 of the order dated 30th September, 2024, the expression 'The State appears to acting clearly contumacious' shall stand corrected to read as 'The State appears to be acting contumaciously'.

2. In the third line at page - 2 which is a continuation of paragraph 2 of the order dated 30th September, 2024, the expression 'WPA (P) 60 of 2011' shall stand corrected to read as 'WPO 60 of 2011'.

3. Office is directed to effect necessary correction in the said order.

2

4. Other portions of the order dated 30th

September, 2024 shall remain unaltered.

5. Ms. Debjani Ray, learned counsel appearing for the petitioner has sought for an order of interim stay in terms of prayer (f). The said prayer reads as follows:-

> '(f) Stay of the Operation of Sections 2(i) and Section 3(1)(c) and 3(1)(d) of the West Bengal State Higher Educational Institutions (Reservation in Admission) Act, 2013 (hereinafter also referred to as 'Act of 2013') and Rule 4 (1); Rule 6(1)(a), (b), (c), (d) and (e); Rule 8(a) and (d) and Rule 9 of the West Bengal State Higher Educational Institutions (Reservation in Admission) Rules, 2013.'

6. This Court is of the view that provisions of statute are seldom stayed pending final decision on their constitutional validity.

7. We feel that the issue could be addressed in a comprehensive manner after receiving affidavits from the respondents.

8. Sufficient indication of consequences on the Universities have already been made in this Court's order dated 30th September, 2024, if the admissions are given to the Classes struck down by this Court in this judgment dated 22nd May, 2024 in WPO 60 of 2011.

9. Learned Counsel for the Universities and the State have not been able to produce any separate notification issued by the Backward Classes department, under Article 15(4) and 15(5) of the Constitution.

10. The State shall communicate a copy of the order dated 30th September, 2024 and the order passed today, to all the universities and educational institutions and all other stakeholders including the examination conducting authorities, involved in the admissions processes, in the State, forthwith.

11. Let affidavit-in-opposition to the main writ petition be filed by the respondents within a period of two weeks after the Puja Vacation for the year

Archived court-text mirror print of https://indiankanoon.org/doc/77775976/ — not an official or certified court PDF. Page 2

2024. Reply, if any, thereto be filed within a week thereafter.

12. List this matter on 27th November, 2024 at 2.00 p.m. under the same heading.

(Rajasekhar Mantha, J.) (Tapabrata Chakraborty, J.)

Archived court-text mirror print of https://indiankanoon.org/doc/77775976/ — not an official or certified court PDF.