

**GOVERNMENT OF WEST BENGAL
HIGHER EDUCATION, SCIENCE &
TECHNOLOGY AND BIOTECHNOLOGY DEPARTMENT
(INTEGRATED LAW CELL)
BIKASH BHABAN, SALT LAKE,
KOLKATA-700091**

No. 280-ILC/1C-71L/2004 (Part-V)

Date: 03.11.2017

ORDER

Whereas, the Brahma Samaj Education Society (BSES) (hereinafter called the said Society) an educational and charitable society registered under the West Bengal Societies Registration Act, 1961 and a constituent organization under the aegis of Sadharan Brahma Samaj, and

Whereas, the said Society has been administering the following eight Government-aided Colleges since long, namely (1) Ananda Mohan college, Kolkata, (2) City College, Kolkata, (3) Rammohan College, Kolkata, (4) Umesh Chandra College, Kolkata, (5) Sibnath Sashtri College, (6) City College of Commerce and Business Administration, (7) Heramba Chadra College, Kolkata and (8) Prafulla Chandra College, Kolkata, and

Whereas, the Governing Bodies of those colleges have been constituted in terms of the provisions of the Statute 100 of the First Statutes of Calcutta University, and therefore, enjoying privileges of special constitution and administration of their colleges, and

Whereas, the said Society has moved a Writ Petition before the Hon'ble Supreme Court in the year 1983 seeking minority status of the society and also claiming their colleges to be outside from the purview of the West Bengal College Service Commission Act, 1978 and the West Bengal College Teachers (security of services) Act, 1976, and

Whereas, the said Writ Petition was finally withdrawn by the said Society from the Hon'ble Supreme on 15.01.2016 seeking liberty to approach the Central Government for claiming minority status and the Hon'ble Constitution bench of the Supreme Court has allowed the said Society to withdraw the said Writ Petition and also granted liberty to apply before the Central Government within one year from the date of Order, and

Whereas, the said Society has thereafter, applied to the Central Government and the Central Government in the Ministry of Minority Affairs vide their letter dated 30.06.2017 clearly declared that the said Society or Sadharan Brahma Samaj is not a minority, and

Whereas, the said Society under the banner of Sadharan Brahma Samaj has applied before the State Government seeking Minority Status and their application has been considered by the State's Minorities' Commission while at the same time the Sadharan Brahma Samaj has filed a Writ Petition before the Hon'ble Calcutta High Court seeking a direction upon the State Government to dispose of their application pending before the State Government in W.P. No. 14384 (W) of 2017, and

Whereas, Hon'ble High Court was pleased to direct the State Government while disposing the said Writ Petition, to dispose of the application of the said Society within three months and the State Government in the Department of Minority affairs and Madrasha Education Department has finally decided their application by clearly declaring that Sadharan Brahma Samaj is not a separate minority religion vide their Order No. 1916-MD, dated 08.09.2017, and

Whereas, it is now thus settled that the said Society is not a minority-administered Society and therefore, the colleges administered by them should have been treated as Non-minority Government-aided colleges and therefore, cannot get the benefit of the provisions of Statute 100 of the First statutes of Calcutta University, and

Whereas, after enactment of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, the provisions of Statute 100 of the Calcutta University First statutes have become redundant and the Governing Bodies of all Government-aided non-minority colleges shall have to be constituted in terms of the provisions of section 4 and section 5 of the above mentioned Act, and

Whereas, it is expedient that the existing Governing Bodies of all the colleges administered by the said Society which were constituted in terms of the provisions of Statute 100 of the Calcutta University First Statutes shall not continue to functions in contravention to the provisions of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, and therefor, those Governing Bodies are liable to be dissolved, and

Therefore, in consideration of the above, the Governor, in exercise of the powers conferred under sub-section (3) of section 4 of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, is hereby pleased to direct that the existing Governing Bodies of eight Government-aided colleges as mentioned at Paragraph.2 of this Order, shall be dissolved with immediate effect.

The Vice Chancellor, Calcutta University and the principal/ Teacher-in-Charge of each college is hereby directed to take steps to re-constitute the Governing Body in terms of the provisions of the West Bengal Universities and Colleges (Administration and Regulation) Act, 2017, within three months. Until such time one Administrator shall be appointed by the State Government under section 4 of the above mentioned Act to perform the duties of Governing Bodies of respective colleges.

Separate Orders will be issued for appointment of the Administrators in eight Government-aided Colleges, as mentioned at Paragraph.2 of this Order.

By order of the Governor,



Secretary to the Govt. of West Bengal