

GAHC010015162023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/393/2023

NIVA RANI TALUKDAR
D/O- BIMAL TALUKDAR, R/O- H NO. 204, NEAR POST OFFICE KAHILIPARA,
GHY- 781019, DIST- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMMISSIONER AND SECRETARY, HIGHER EDUCATION,
ASSAM, DISPUR, GUWAHATI- 06

2:THE DIRECTOR
HIGHER EDUCATION
ASSAM
KAHILIPARA
GUWAHATI- 19

3:BRM GOVT LAW COLLEGE
REP. BY THE PRINCIPAL
PANJABARI
GHY- 37

4:CONTROLLER OF EXAMINATION
GAUHATI UNIVERSITY
GUWAHATI- 78101

Advocate for the Petitioner : MR. S ROY

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE MR. JUSTICE MANASH RANJAN PATHAK**

ORDER

27.01.2023

Heard Mr. S Roy, learned counsel for the petitioner and Mr. K Gogoi, learned Standing counsel, Higher Education Department, Assam for the respondent Nos. 1 to 3.

Petitioner is a student of 5 Years B.A., LL.B. course in Bishnu Ram Medhi Government Law College, Panjabari, Guwahati (hereinafter referred to as said college/BRM Government Law College) that is affiliated to Gauhati University and her Class Roll Number is 20. She has appeared in her 8th Semester of B.A., LL.B. Course.

The authorities of the said BRM Government Law College vide No. BRMGLC.Notice/2002/2022-23/652/653 dated 19.09.2022 notified its students that Rs. 2000/- has been enhanced in the existing fees structure for the academic session 2022-23 as affiliation Fee to Gauhati University and Bar Council Fee and that said one time enhancement has been incorporated as directed by resolution of a meeting convened by the teaching and non-teaching staff of the said college on 14.07.2022 in presence of the Principal of the college.

The Principal of BRM Government Law College by notice dated 19.10.2022 extended the last date for the eligible students of the college to take admission into 3 year LL.B., 5 Years B.A., LL.B. and LL.M. courses for the academic session 2022-23 up to 29.10.2022 including admission to the 5 Years B.A., LL.B. – 3rd, 5th, 7th and 9th semesters.

It is stated by the petitioner that because of her illness and financial hardship of her parents she could not deposit the requisite amount towards admission in the 9th semester of her 5 Years B.A.,LL.B. course for the academic session 2022-23 by 29.10.2022, which she could deposit only on 01.11.2022 in the Canara Bank Account No. 24321010000181 of the BRM Government Law College depositing an amount of

Rs. 8,500/- and towards her said deposit, the Canara Bank, Panjabari Branch had given her duly signed receipt.

It is submitted that the Principal of said BRM Government Law College vide Notice under No. BRMGLC/Notice/2022/808-809 dated 22.12.2022 notified the Roll Numbers of its students of various semesters of 3 year LL.B. and 5 Year B.A., LL.B. courses who have not taken admission for the session 2022-23, including the Roll Number 20 of 5 Year B.A., LL.B. 9th semester that belongs to the petitioner thereby categorized her as a Non-collegiate.

Petitioner stated she could come to know about the same while on 03.01.2023 she went to the office of the said college to fill up her examination form for her 9th Semester B.A., LL.B. Examination as 05.01.2023 was the last date of submission of application for the said Examination. On her enquiry the authority of said college informed her that she had not taken admission for the session 2022-23 in her 9th semester that was notified on 22.12.2022; though she deposited the requisite amount towards her admission for the 2022-23 in the bank account of the college on 01.11.2022 itself.

Petitioner stated that on 31.12.2022 she submitted a representation before the Principal of said BRM Government Law College requesting to accept her admission fee for the session 2022-23, which she had deposited two days later on 01.11.2022 after the last date of depositing such fee on 29.10.2022, stating that she could not deposit the same on due time because of financial hardship of her parents. In her said representation the petitioner had also requested the authority of the college to consider her said application sympathetically, accepting her admission, considering her future academic career and thereby to allow her to fill up the form of 9th semester examination.

Petitioner stated that as her said application is yet to be disposed of and nothing was forthcoming she having no other alternative, has preferred this writ petition 23.01.2023 praying amongst others to direct the respondents herein, more particularly

the Principal of said Bishnu Ram Medhi Government Law College, Panjabari, Guwahati, respondent No. 3 to (i) accept her admission fee for the session 2022-23 and (ii) allow her to sit in the examination of 5 Years B.A., LL.B. 9th semester course.

It is seen that because of financial hardship of her parents, the petitioner could not deposit the requisite amount of Rs. 8,500/- by 29.10.2022 in favour of the said college, i.e., on the last date of payment of admission fee for the session 2022-23 as fixed by the authorities of said college. However, she duly deposited the said amount in the Canara Bank Account of the College on 01.11.2022 and the said amount is still lying with that college.

It is also seen from the calendar of the year 2022 that 29.10.2022 was Saturday, 30.10.2022 was Sunday, 31.10.2022 was Monday, and 01.11.2022 was Tuesday the second working day of the week.

Considering that 29.10.2022 was the last date of payment of admission fee for the session 2022-23 as fixed by said college, 30.10.2022 being Sunday and that she deposited the requisite amount in favour of said college for her admission for the session 2022-23 on 01.11.2022, it is found that there was a delay of two days on the part of the petitioner to deposit her admission fee for that session in said college, which cannot be considered as deliberate; whereas the authorities of said BRM Government Law College only on 22.12.2022, after 54 (fifty four) days from 29.10.2022 issued the impugned notice notifying that the petitioner did not take admission for the session 2022-23.

Petitioner's case is similar with that of the petitioners of WP(C) No. 300 of 2023, which has been allowed by this Court today.

Considering entire aspect of the matter, the Court accordingly condoned the delay of those two days on the part of the petitioner with regard to depositing her admission fee for the session 2022-23 in 5 Year B.A., LL.B. 9th semester in said college.

Hence, the impugned Notice under No. BRMGLC/Notice/2022/808-809 dated

22.12.2022 issued by the Principal of said Bishnu Ram Medhi Government Law College, Guwahati with regard to the Petitioner, namely, Niva Rani Talukdar, daughter of Bimal Talukdar, student of 5 Year B.A., LL.B. course of said college with Roll Number 20, notifying that she had not taken admission in 5 Year B.A., LL.B. 9th semester for the session 2022-23 is hereby set aside and quashed.

Consequently, categorizing the petitioner as a Non-collegiate for not depositing admission fee by 29.10.2022 towards her admission in 5 Year B.A., LL.B. 9th semester for the session 2022-23 in said college is also set aside and quashed.

As a result the respondent authorities shall allow the petitioner to take up the 5 Year B.A., LL.B. 9th semester examination.

With the above observation and direction, this writ petition stands allowed to the extent above.

JUDGE

Comparing Assistant