

GAHC010038262023



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

Case No. : WP(C)/993/2023

ANJU MONI PATHAK
D/O- SRI UTTAM CH. PATHAK, R/O- H.NO. 44, KHARGULI, JAIPUR, P.O.
KHARGULI, P.S. LATASIL, DIST.- KAMRUP (M), GHY, ASSAM, PIN- 781004

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMM. AND SECY., HIGHER EDUCATION, ASSAM, DISPUR,
GHY, PIN- 781006

2:THE DIRECTOR
HIGHER EDUCATION
KAHILIPARA
ASSAM
GHY
PIN- 781019

3:CONTROLLER OF EXAMINATION
GAUHATI UNIVERSITY
GUWAHATI
PIN- 781001

4:B.R.M. GOVT. LAW COLLEGE
REP. BY THE PRINCIPAL
PANJABARI
GUWAHATI
PIN- 78103

Advocate for the Petitioner : MR F KHAN

Advocate for the Respondent : SC, HIGHER EDU

**BEFORE
HONOURABLE MR. JUSTICE LANUSUNGKUM JAMIR**

ORDER

Date : 22.02.2023

Heard Mr.U.Choudhury, learned counsel for the petitioner. Also heard Mr.S.Bhuyan, learned standing counsel, Higher Education for the respondent Nos. 1 and 2 and Mr. P.J.Phukan, learned standing counsel, Gauhati University.

2. The petitioner namely Anju Moni Pathak is a student of 5 years B.A. LL.B. course pursuing her law degree at BRM Government Law College, Panjabari, Guwahati. The petitioner's class Roll Number is 39, G.U (Gauhati University) Roll No. IL-181-290-0003 and G.U (Gauhati University) Registration No. 18094137. The petitioner took admission in B.A. LL.B course for the academic session 2018-19 and is currently studying in the 9th Semester. The Principal, BRM Government Law College/respondent No.4 issued a notice indicating the last date of admission to various semesters of 3 years LL.B, 5 year B.A. LL.B and LL.M courses, 2022-23 has been extended till 29.10.2022. Despite the extension of date for taking admission up to 29.10.2022, the petitioner could not deposit her admission fee within the stipulated period and she deposited her admission fee on 05.11.2022. Thereafter, the respondent No.4 issued a notice stating that some students have not taken admission for the session 2022-23 and the Roll Number of the petitioner appeared at Sl. No.6 for 5 years B.A. LL.B, 9th Semester. Thereafter, the petitioner made an application before the respondent No.4, praying for condoning the delay in depositing the admission fees for the 9th semester. However, the said representation was not considered and the

petitioner was allowed to attend the classes for the 9th semester and she was also permitted to appear in the sessional exam.

3. A notice dated 13.02.2023, was again issued by the respondent No.4, notifying that eligible students for admission in 3 year LL.B., 2nd, 4th and 6th semester and 5 year B.A. LL.B. 2nd, 4th, 6th, 8th and 10th semester and LL.M, 3rd semester, 2023 were asked to take admission on or before 23.02.2023. However, as the petitioner did not appear for the 9th semester exam, she is not being allowed to take admission in the 10th semester. Being aggrieved, petitioner is before this Court.

4. A perusal of the materials available on record, indicates that the last date for submission of admission fee for the 9th semester was 29.10.2022 and the petitioner paid her admission fee on 05.11.2022. There was some delay in paying the admission fee by the petitioner. However, in the present writ petition, she has explained the cause for the delay due to financial hardship in the family. The delay of 5 (five) days on the part of the petitioner to deposit her admission fee for the 9th semester in the said college cannot be considered as deliberate and the authorities of the BRM Govt. Law College, issued the impugned notice dated 22.12.2022, after more than 1(one) month notifying that the petitioner did not take admission for the 9th semester for the session 2022-23.

5. This Court has also taken into consideration that the authorities of the BRM Government Law College has not returned the admission fee received from

the petitioner till date. This Court is also aware of the fact that for not depositing the admission fee for the session 2022-23, within the specified period of time, the respondent No.4 declared the petitioner as a non-collegiate without considering the delay of 5(five) days.

6. Considering the entire aspects of the matter, this Court accordingly condones the delay of 5 (five) days of the petitioner with regard to depositing the admission fee for the 9th semester for the session 2022-23 in the BRM Government Law College. Accordingly, the impugned notice dated 22.12.2022, issued by the respondent No.4 in respect of the petitioner is accordingly quashed and set aside. Consequently, categorizing the petitioner as a non-collegiate for not depositing the admission fee by the 29.10.2022, for the 9th semester, 5 years B.A. LL.B for the session 2022-23 is also set aside. Consequently, the respondent authorities particularly the respondent No.4 are directed to allow the petitioner to take admission in the 10th semester of the 5 year B.A. LL.B course.

7. With the above observations, and directions, this writ petition stands disposed of.

JUDGE

Comparing Assistant