HIGH COURT OF TRIPURA
AGARTALA

WP(C) NO.432 OF 2024

Smt. Ankita Saha
Vs.
The State of Tripura and ors.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Present:

For the Petitioner(s) : Mr. D.C. Saha, Advocate.
Mr. T.K. Chowdhury, Advocate.

For the Respondent(s) : Mr. D. Bhattacharjee, Sr.Advocate.
Mr. Kohinoor N. Bhattacharjee, G.A.
Mr. D. Sharma, Addl. G.A.
Mr. Soumyadeep Saha, Advocate.

03.07.2024

Order

This present writ petition has been filed under Article 226 of the Constitution of India seeking the following reliefs:-

"(a) Admit the Writ Petition;

(b) Call for the records;

(c) Issue a Writ in the nature of certiorari calling upon the Respondents to show cause as to why the Statement of Marks of 1st year 2014 Result Published on 01/01/2015 of the Petitioner as illegal and arbitrary which was issued in contravention of the principle of Indian Nursing Council as well as in contravention of Clause 9, 10 and 19 of the Rules, Regulations for B.Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University;

(d) Issue a Writ in the nature of certiorari calling upon the respondents to show cause as to why the Statement of Marks of 2nd Year, 2015 Result published on 28.12.2015 of the Petitioner as illegal and arbitrary which was issued in contravention of the principle of Indian Nursing Council as well as in contravention of Clause 9, 10 and 19 of the Rules, Regulations for B.Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University;

(e) Issue of Writ in the nature of Certiorari show cause as to why should not be declared the letter No. TU/ Corr. Affiliated Colleges/01/2020(Vol. II) dated 25. 08. 2021 issued by the Registrar (I/C) of Tripura University as illegal and arbitrary which was issued in contravention of the principle of Indian Nursing Council contained in 4th (Fourth) Revision, 2004; as well as in contravention of Clause 9, 10 and 19 of the Rules, Regulations for B. Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University.

(f) Issue Writ in the nature of Certiorari asking the Respondents to show cause as to why the letter No. F./TU/REG/PG-Portal/PA/01/2016 dated 07.11.2022 issued by the Controller of Examinations (i/c) of Tripura University as illegal and arbitrary which was issued in contravention of the principle of Indian National Council contained in 4th (Fourth) Revision, 2004; as well as in contravention of Clause 9, 10 and 19 of the Rules, Regulations for B. Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University should not be declared as illegal, arbitrary and non-est in the eye of law;

(g) Issue Writ in the nature of Mandamus calling upon the Respondents to show cause as to why a direction to issue a fresh Statement of Marks of 1 year 2014 Result Published on 01.01.2015 in pursuance of the principle of Indian Nursing Council as well as in pursuance of Clause 9, 10 and 19 of the Rules, Regulations for B.Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University should not be issued;

(h) Issue Writ in the nature of Mandamus calling upon the Respondents to show cause as to why a direction to issue a fresh Statement of Marks of 2nd Year, 2015 Result published on 28.12.2015 in pursuance of the principle of Indian Nursing Council as well as in pursuance of Clause 9, 10 and 19 of the Rules, Regulations for B.Sc. Nursing Course Notified on 10. 04. 2008 vide No. F. TU/REG/Aca/N.C/30/07 by the Tripura University should not be issued;

(i) Pass any other relief or reliefs as Your Lordship may deem fit and proper;

2. Heard Mr. D.C. Saha, learned counsel appearing for the petitioner as well as Mr.D. Bhattacharjee, learned Sr. counsel assisted by Mr. S. Saha, learned counsel and Mr. D. Sharma, learned Addl G.A., appearing for the respondents.

3. Mr. D.C. Saha, learned counsel appearing for the petitioner submits that the examination result of the petitioner published on 01.01.2015 is illegal and in contravention of the principles of the Indian Nursing Council. In terms of such action of the respondents, the petitioner is facing hardship in pursuing study outside the State.

4. On the other hand, Mr. D. Bhattacharjee, learned Sr. counsel assisted by Mr. S. Saha, learned counsel appearing for the respondents submits that in annexure-5 of the writ petition i.e. in the Rules, Regulation for B.Sc. Nursing Course under Tripura-University, it is clearly written that "*There shall not be a system of re-evaluation and/or retotalling*."

5. Heard and perused the evidence on record.

6. The statement of the mark was published on 01.01.2015 and now after a delay of about 9(nine) years in the year 2024, the petitioner cannot come and say that the respondents did not follow the rules. The petitioner has to show

evidence wherein immediately after obtaining the marksheet in the year 2015, the petitioner had raised her voice to prove the lacuna of the respondents. Petitioner in the year 2023 for the first time represented the matter to the respondents and thereafter the petitioner issued a legal notice to which the respondents replied in September/October-2023 and thereafter, the petitioner has filed this petition. The petitioner waited for a long period of 9(nine) years, without any cogent reasons. Accordingly, on the ground of laches, this present writ petition is dismissed.

7. As a sequel, stay if any stands vacated. Pending application(s), if any also stands closed.

JUDGE

HIGH COURT OF TRIPURA
सत्यमेव जयते

suhanjit

RAJKUMAR SUHANJIT SINGHA
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