

THE HIGH COURT OF TRIPURA

AGARTALA

W.A. 33 of 2013

- 1. The Tripura University,**
A Central University
Situating at Suryamaninagar,
P.S.- Amtali, P.O.- University,
District- West Tripura,
Represented by its Vice Chancellor,
Having his office at Suryamaninagar,
P.S.- Amtali, P.O.- University,
District- West Tripura, Pin- 799130.
- 2. The Vice Chancellor,**
Tripura University,
Having his office at Suryamaninagar,
P.S.- Amtali, P.O.- University,
District- West Tripura, Pin- 799130.
- 3. The Director,**
Distance Education,
Tripura University,
Having his office at Suryamaninagar,
P.S.- Amtali, P.O.- University,
District- West Tripura, Pin- 799130.
- 4. The Controller of Examination,**
Tripura University,
Having his office at Suryamaninagar,
P.S.- Amtali, P.O.- University,
District- West Tripura, Pin- 799130.

.... Appellants.

Respondents in the Writ petition

VERSUS

Smt. Pinki Saha,
W/O Sri Kalipada Saha,
Resident of village- Bankumari,
P.O.- Jogendranagar, Sub-Division- Agartala
District- West Tripura, Pin- 799007.

.... Respondent

Writ Petitioner in the Writ petition

BEFORE

THE HON'BLE CHIEF JUSTICE MR. DEEPAK GUPTA
THE HON'BLE MR. JUSTICE U.B. SAHA

For the appellant : Mr. PK Biswas, Asstt. SG

For the respondents : Ms. R. Purkayastha, Advocate

Date of hearing and : 12.02.2015.
delivery of judgment.

Whether fit for reporting : NO

JUDGMENT & ORDER(ORAL)

Deepak Gupta, CJ

This writ appeal is directed against the judgment dated 10.05.2013 passed by a learned Single Judge of this Court in W.P.(C) 223 of 2012, whereby he allowed the writ petition filed by the present respondent Smt. Pinki Saha and held that the action taken by the University in debarring the petitioner from appearing in the course was wrong and directed that her result be declared which has been kept in sealed cover pursuant to the order of the learned Single Judge passed on 29.06.2012.

2. Briefly stated, the facts of the case are that the petitioner appeared in Part-I of the MA examination in the subject of Bengali. Out of 8 papers she cleared 7 and in Paper No. 7 she had not passed. As per the rules of the University, a person who has passed 6 out of 8 subjects can appear in the next chance in all the papers along with the papers of MA Part-I which that candidate may not have cleared. The original writ petitioner got married in the year 2011 and did not appear in any papers whether of Part-I or Part-II in the year 2011. Thereafter, in the year 2012 she approached the Tripura University for permission to appear in all the papers. She was granted admit card but before the examination the admit card was cancelled and she was told that she could not appear in the examination. The petitioner filed the writ petition being W.P.(C) 223 of 2012 and in that writ petition an interim order was passed permitting her to appear in the examination.

3. The stand of the University, as taken before the learned Single Judge was that a student has to clear all papers of the Master's degree within four years of the first admission into the programme and a student cannot get more than two consecutive chances for any part thereof.

According to the University, each year has to be taken as a consecutive chance and since the petitioner did not appear in the year 2011 she missed her second chance and, therefore, she could not have been permitted to appear in the year 2012.

4. The learned Single Judge held, and rightly so that consecutive chance is different from consecutive year. The word used is 'chance'. Therefore, a student will get only two consecutive chances to appear in a particular part of the MA examination.

5. In this case, the original writ petitioner had appeared first in the year 2010. In the year 2011 she had not appeared in any of the examination because she had got married. Therefore, the second or consecutive chance occurred only in the year 2013 and not in the year 2012 and as far as years are concerned she was bound to pass the entire examination before 2014 because there it is prescribed that the candidate must clear all the parts in four years. But the consecutive chances do not necessarily mean consecutive years.

6. Therefore, we do not find any merit in the appeal which is accordingly dismissed.

7. The Tripura University is directed to declare the examination within 15 (fifteen) days from today.

JUDGE

CHIEF JUSTICE

Saikat