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06.07.2021.
d.p.

**W.P.A 7772 of 2021
(Via Video Conference)**

**Jamal Uddin Mondal
-versus
The State of West Bengal & Ors.**

**Mr. Ramkrishna Bhattacharya.
...For the Petitioner.**

**Mr. Amitava Chaudhuri.
...For the University.**

Affidavit-of-service filed in Court today is taken on record.

The petitioner is a student of the Gour Banga University. He is pursuing the B.A. General Course from the Jamini Majumder Memorial College.

According to the petitioner, he was not permitted to appear in the third semester examination of the University allegedly on the ground that he has crossed the age of 35 years. The examination was conducted in March 2021.

The petitioner applied before the University by a representation sent through Speed Post on 13th March, 2021. The said representation has not been considered. In the meantime, the examination was over.

Presently no direction can be passed upon the University to permit the petitioner to appear in the third semester examination of the B.A. General course as the same is already over, more so, because the petitioner

has been allegedly debarred from appearing in the examination in view of his crossing 35 years of age.

The learned advocate appearing for the petitioner submits that at the time of admission in the college, all necessary documents were placed. The course is of three years. The University or the college ought to have intimated the petitioner at the time of admission, that by the time he would reach his third semester, he would cross the maximum age limit stipulated for appearing in the examination.

There is nothing on record to show that either the college or the University debarred the petitioner from appearing in the examination.

As it appears that the petitioner has already got himself admitted in the course and the college has accepted the fees for the third semester examination, it is the duty of the college to permit the petitioner to take the examination. The course of the petitioner ought not to be left unfinished at this stage allegedly because he has crossed the age bar.

In view of the above, the instant writ petition is disposed of by granting leave to the petitioner to file a composite representation before the Controller of Examinations of Gour Banga University along with all relevant documents in support of his case within a week from date.

In the event such an application is forwarded by the petitioner, the Controller of Examinations of Gour Banga University shall take a decision with regard to the same, strictly in accordance with the relevant rules after giving a reasonable opportunity of hearing to the

petitioner as well as the representative of the Jamini Majumder Memorial College.

The aforesaid respondent shall pass a reasoned order within a period of six weeks from the date of receipt of the said representation and communicate the same to the parties immediately thereafter.

WPA 7772 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)