

01.10.2021
SL No. 19
Court No. 24
(P.M.)

WPA 16417 of 2021

Kinjal Das
Vs
The State of West Bengal & Ors.
(Via Video Conference)

Mr. Kallol Basu,
Mr. Suman Banerjee
... for the petitioner

Mr. Parthasarathi Sengupta,
Mr. Soumya Majumdar
... for respondent No. 2 to 6

Mr. Jahar Lal De,
Mr. Raja Saha,
Mr. Shamim Ul Bari
... for the State

The petitioner seeks admission in Presidency University. He applied pursuant to the admission notice published on 30th July, 2021. The procedure for submission of the application form was clearly mentioned in the said admission notice. The applications were to be filed online. The candidates were directed to verify data and the selection of the course before the final submission. The admission notice mentions that the data can be verified and modified several times. The data/information cannot be modified, under any circumstances, after final submission.

In the present case, the petitioner initially applied by mentioning that he got 78% in Mathematics. Thereafter he participated in the improvement examination conducted by the Indian School Certificate Examination 2021 and he

secured 98%. By the time the higher marks of the petitioner were published, the last date for filing of the application was over.

According to the petitioner, as the Indian School Certificate Examination permitted the petitioner to appear in the improvement examination and thereafter the petitioner got his marks improved from 78% to 98%, accordingly Presidency University ought to have permitted the petitioner to amend the application form and treat him as a candidate scoring 98% in Mathematics.

The learned senior advocate representing Presidency University submits that the admission notice clearly mentioned that there will be no change in the data, under any circumstances, after final submission and accordingly the petitioner cannot be given the benefit of the higher marks which he obtained after the improvement examination.

It has been submitted that there may be several other similarly placed candidates who may have obtained higher marks after appearing in the improvement examination, but would not be able to take advantage of the higher marks as the University stuck to the admission notice dated 30th July, 2021. It has been submitted that the said procedure was applied universally and uniformly in respect of all the candidates.

After hearing the submission of the parties it appears that on the day the petitioner filed the application form he

scored 78% in Mathematics. The higher marks were obtained by him long after the application was finally submitted.

The University thought it fit not to give any further window to the candidates who obtained higher marks in the improvement examination.

There is no illegality or irrationality on the part of the University in sticking to their admission notice. There may be several other candidates who may have been inconvenienced by the act of the University.

If the case of the petitioner is to be allowed then similar cases may follow in future and there will be unnecessary delay in concluding the admission process. The petitioner is not the single one who appears to have been affected by the action of the University.

The petitioner has averred in the writ petition that he has already taken admission in some other College. It is not that the petitioner is going to lose a year by not getting admitted in Presidency University this year.

Accordingly the action on the part of the University cannot be faulted.

The writ petition fails and is hereby dismissed.

Affidavit of service filed in Court is taken on record.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)