

20.01.2022
sayandeep
Sl. No. 05
Ct. No. 05

WPA 694 of 2022

[Via Video Conference]

Tabindah Iram
-Versus-
State of West Bengal & Ors.

Mr. Mritunjoy Halder

..... for the petitioner

Mr. Rajat Dutta

Mr. Nilotpall Chatterjee

Mr. Swapan Kr. Dutta

..... for the State

Mr. Raja Saha

Mr. Sanjay Mukherjee

..... for the C.U.

The only prayer of the writ petitioner is that the writ petitioner be allowed to write the supplementary examination of paper No. EH-304(Module I; Industrial Relations and Module II; Trade Unionism) of the MBA course offered by the Calcutta University in 2017-2019. The urgency is that the said examination is due to be held today at 11:30 A.M.

The basis of the prayer is that the petitioner was unable to clear this particular paper in the examination held in December, 2019. The result of the said examination was however made known to the petitioner only on 10th January, 2022.

The contention of learned counsel appearing of the University is that the Rules provided that a candidate must clear any backlog in two following consecutive years. Counsel however is fair enough to submit that in this particular case, since the petitioner was informed of the result of the examination held in December, 2019 only on 10th January, 2022, the said Rule may not apply to the petitioner.

Upon hearing learned counsel, this Court is of the view that since the petitioner was informed of the result of 2019 in January, 2022, the Rule of clearing backlog within two consecutive years will not apply to the petitioner. The petitioner should hence be allowed to write the particular paper which has been stated in the first paragraph of this order. Since the examination will be conducted online, the University is directed to send the questionier to the petitioner in the e-mail address provided in communication dated 11th January, 2022. The said direction shall be complied with without any delay since examination is scheduled for 11:30 A.M. today.

WPA 694 of 2022 is allowed and disposed of in terms of the above order.

All parties are to act on the order as dictated in open Court today in the presence of all the parties or the website copy of this order, whichever is deemed to be more expedient.

To ensure the effective compliance, learned counsel appearing for the University is also requested to communicate this order to the University.

(Moushumi Bhattacharya, J.)