

16.02.2022  
BR 31

MAT 84 of 2022  
With  
IA No. CAN 1 of 2022  
(Via Video Conference)

Arpita Das (Minor)  
-vs-  
Visva Bharati University and Ors.

Mr. Sanjib Kumar Dan,  
Mr. Rajarshi Basu.....For the appellant.  
  
Mr. Victor Chatterjee.....For Visva Bharati.

The instant appeal is against the order dated 20<sup>th</sup> January, 2022 passed by the Single Bench in W.P.A. No.310 of 2022 whereby the writ petition filed by the appellant was dismissed.

The appellant filed the writ petition for quashing the order dated 24<sup>th</sup> December, 2021 whereby Visva Bharati University (hereafter referred to as University) rejected the appellant's application for admission in pre-degree Course (Class-XI) under the University on the ground of mistake committed by her while filling up the online application for admission.

It appears that the order dated 24<sup>th</sup> December, 2021 was passed pursuant to the order of this court dated 10<sup>th</sup> December, 2021 on an earlier writ petition, being WPA 18183 of 2021, whereby the University was directed to consider the representation of the appellant/petitioner and dispose of the same by passing a reasoned order. By the order dated 24<sup>th</sup> December, 2021, the case of the appellant was considered and

rejected by placing reliance on point no. 18 of the Prospectus 2021.

Learned lawyer appearing for the appellant submits that the appellant, being an integrated student from Siksha Satra should have directly admitted in the course having secured requisite percentage of marks.

It is also submitted that the appellant inadvertently put “0.00” percentage of marks in respect of marks obtained in Class-X Board Examination, whereas she in fact obtained 85% marks in Class-X. It is also submitted that such mistake, in putting the inaccurate percentage of marks, on the part of the appellant is a bona fide mistake and for such bona fide mistake she should not be penalised and her educational career should not be put at stake.

Per contra, learned counsel for the University submits that Clause 18 of the Prospectus 2021 clearly postulates that candidates must be very careful during uploading of the entry of the marks obtained in Class-X Board Examination on the basis of which merit list will be prepared for Class-XI admission and no claim shall be entertained subsequently for correction of mistaken data entry uploaded by the applicant at the time of online application.

Learned counsel for the University points out that students, who have committed similar mistake in online applications, have also not been permitted to take

admission in Class-XI. He emphasises that if the appellant is permitted to take admission in Class-XI, other similarly circumstanced students may raise similar claim.

We find from Clause 18 of the Prospectus 2021, that mandated while putting entry of marks obtained in Class-X Board Examination and the candidates must be very careful and no subsequent prayer for correction of such entry shall be entertained.

Having heard the learned counsels for the parties and on consideration of the guidelines, in particular, Clause 18 of the Prospectus 2021, we feel that the writ petition filed by the writ petitioner/appellant has no merit.

If the petitioner's claim is allowed, we perceive that it may open flood gate for every unsuccessful candidate who have committed similar mistakes.

We do not find any illegality and/or infirmity in the order of the learned Single Judge.

In view of above, the appeal, being M.A.T. 84 of 2022 is dismissed.

No order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)

