

Ct. 05
Item No.13
04.03.2022
(suvendu)

WPA 1966 of 2022

[Via Video Conference]

Debapriya Chakraborty
Vs.
The State of West Bengal & Ors.

Mr. Sourabh Senguptafor the petitioner
Mr. Mani Sankar Chattopadhyayfor the respondent no. 5
Mr. Supriya Chattopadhyay
Mr. Suman Deyfor the State
Mr. Nilotpal Chatterjee
Mr. Satyaki Banerjeefor the Calcutta University

The writ petitioner prays for a direction on the respondents to publish the result of the Sociology (General) Paper –II and Paper –III in the Bachelor of Arts (General Course) online examinations pursuant to the petitioner’s writing the examinations in respect of both the said papers on 24th December, 2020.

Since a controversy was raised on behalf of the College that the concerned examinations were held on 11th December, 2020 and 15th December, 2020 and no alternative date was notified to the petitioner for the Sociology Papers, learned counsel

appearing for the College was directed to file a Report in the form of an Affidavit. The Report filed states that the College authority did not permit the petitioner to write the said examinations on 24th December, 2020 or permit the petitioner to upload the answer scripts on that date. The examinations were conducted online and hence the issue of uploading has been mentioned in the Report.

The Report of the College is taken on record.

However, upon perusing general emails between the petitioner, the Head of the Department of Sociology in the College and the Principal of the College on 24th December, 2020 and 26th December, 2020, it appears that following a request made by the petitioner's father to the Head of the Department of Sociology, the answer scripts of the petitioner for the two papers were received by the Head of the Department on 24th December, 2020 with an endorsement as "Received OK". The Principal of the College on 26th December, 2020 requested the Head of the Department to provide relevant documents including the final year mark-sheets of the petitioner.

The correspondence belies the stand of the College, namely that the petitioner chose to write the examinations on 24th December, 2020 without any intimation to the College or permission received from the College.

Further, it does not appear that the College was unaware of the petitioner writing two papers on 24th December, 2020 and the uploading of the answer scripts. It is an admitted fact that the petitioner is a patient of epilepsy and suffered from the disease for several long years before the petitioner wrote the examinations in 2020 which was her last chance to clear the Bachelor of Arts degree.

The University is represented. Learned counsel for the University submits that the College would be required to upload the marks of the two papers and send the same to the University upon considering the relevant correspondences between the Principal of the College, the Head of the Department of Sociology and the petitioner.

The relevant facts indicate that the petitioner has made out a case for the relief prayed for.

The respondent no.5 is directed to evaluate the answer scripts of the petitioner in respect of Sociology(General) Paper –II and Paper-III in the Bachelor of Arts (General Course), if the same have not been done, within two weeks from date and upload the results either in an alternative website or manually communicate the same to the University within two weeks from the date on which such evaluation is complete. The entire process should not take more than four weeks from today.

The University is also directed to take requisite steps in this regard so that the petitioner's results can be declared and published without any further delay.

WPA 1966 of 2022 is disposed of in terms of the above.

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

(Moushumi Bhattacharya, J.)