

04 **16.03.22**

Ct. No. 04

Akd

M.A.T. 113 of 2022

CAN 1 of 2022

Pramod Kumar Mahato

Vs.

University of Calcutta & Ors.

Mr. Sunny Nandy,

Ms. Riya Das,

Mr. Tamal Singha Roy,

Mr. Subha Pathak.

... for the appellant.

Mr. Nilotpall Chatterjee,

Mr. Raja Saha.

... for the University.

The petitioner was enrolled in B.A. course way back in the year 2009; since then he could not successfully complete the said course till date. He appeared in B.A. Part-II examination from 2013 onwards till 2019, but could not clear all the papers, which may entitle him to get admission in Part-III course.

It appears that the University subsequently issued a notification that the registration in a particular course shall lapse automatically if the student did not successfully complete the course within ten years. Obviously more than ten years has elapsed, but the Principal of the college showed a ray of hope into the petitioner when he was given admission in Part-III course.

The learned Advocate for the appellant has shown the receipt issued by the said college to contend that once the admission has been done his assessment of the answer script cannot be withheld and, therefore, a Writ of Mandamus can be issued to the University disclosing the marks obtained in two papers pertaining to Part-I and Part-II courses.

The University took the stand that such admission does not create any right to the appellant/petitioner nor participation having allowed

mistakenly can override the statutory norms or rules applicable in this regard. In fact, such disclosure was made before the Single Bench and on being satisfied the writ petition was dismissed.

We also notice the aforesaid facts and found that the stale claim is sought to be resurrected by the appellant/petitioner in approaching the Court.

We thus do not find any infirmity or illegality in the impugned order.

The appeal is accordingly dismissed. Consequently the connected application is also dismissed.

There will be no order as to costs.

(Harish Tandon, J.)

(Rabindranath Samanta, J.)