

Ct. 05
Item No.09
28.04.2022
(suvendu)

WPA 6551 of 2022

Sneha Hatua
Vs.
The State of West Bengal & Ors.

Mr. Sajal Kumar Ghosh
.....for the petitioner

Mr. Swapan Kumar Dutta
Mr. Rajat Datta
.....for the State

Mr. Pulak Ranjan Mandal
Mrs. Bandana Mandal
Mr. Subhrangsu Panda
.....for the W.B. College Service Commission

Ms. Debjani Sengupta
Ms. Shahina Haque
Ms. Koyel Bag
Mr. Abhijit Chatterjee
.....for the University

The prayer in the writ petition is for a direction on the respondent University to declare the 3rd Semester result of the petitioner.

According to learned counsel appearing for the petitioner, despite clearing the 2nd semester examination in M.Sc. in Clinical Nutrition and Dialectics, the petitioner has not been allowed to sit for her 3rd semester examination in the subject. Counsel submits that the petitioner has also paid the fees for the 3rd semester examination.

Learned counsel appearing for the University submits on instruction that the petitioner failed in the 2nd semester examination as she had cleared only two papers in the 2nd semester examination and failed to clear the remaining four papers in the 2nd semester examination. Counsel submits that the petitioner was, therefore, not allowed to sit for her 3rd semester examination and online payment of fees would not assist the case of the petitioner.

After considering the submission of counsel appearing for the parties, this Court is of the view that the petitioner shall be at liberty of accepting the suggestion given on behalf of the University, namely that the petitioner may appear for the internal examination in the 2nd semester examination which is due to start from the middle of May, 2022 and the written examination which is due to start from June/July, 2022. The petitioner shall also be at liberty of taking readmission for appearing in the 2nd semester examination as directed above upon payment of necessary fees. Applicable fees may be adjusted from the fees that have already been paid by the petitioner for her 3rd semester examination so that the petitioner is not called upon to make a fresh payment for her 2nd semester examination. The petitioner shall pay

the difference in the fees as applicable. The University is requested to relax the percentage requirement for taking the internal examination and the written examination in May and June/July, 2022 as a special since the petitioner has pleaded medical reasons for not being able to appear for the 2nd semester examination. If the petitioner seeks to take readmission for appearing in the 2nd semester examination, the petitioner shall ensure that the petitioner attends the requisite number of classes for appearing in the said examination.

WPA 6551 of 2022 is disposed of in terms of the above.

This order is passed on considering the specific facts pleaded in the instant case.

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

(Moushumi Bhattacharya, J.)