

18th May, 2022
(D/L No.11)
(SKB)

W.P.A. 8296 of 2022

Asijit Roy and another
Versus
The University of Calcutta and others

Mr. Ranajit Chatterjee,
Mr. Aniruddha Mitra
... for the petitioners.

Mr. Nilotpall Chatterjee,
Mr. Raja Saha
... for the University.

Mr. Subhrangsu Panda,
Ms. Mithu Sinha Mahapatra
... for respondent no.6.

The petitioners have challenged two orders passed by the Pro-Vice Chancellor(For Academic Affairs), University of Calcutta dated 22nd April, 2022 and 27th April, 2022 rejecting the permission to the petitioners for appearing in the Part-III B.A. and B.Sc. Examinations.

The reason given in the two orders is that the candidates would have to clear Parts I, II and III Examinations within a span of 10(ten) years from the year of Registration subject to the fulfilment of other conditions of the existing Regulations. Both the orders record that the petitioners admitted in the B.A. and B.Sc. courses in 2010 and would therefore have to complete the course within 10 years i.e. 2020. The

orders further record that the petitioners qualified Part-I Examination in 2020 and Part-II also in 2020. Hence the petitioners were outside the timeframe of the Regulation, more specifically the Notification No.CSR/27/13 issued by the University of Calcutta.

Learned counsel appearing for the petitioners submits that the Notification No.CSR/27/13 is directory in nature and further since the petitioners were admitted to the course in 2010, the said Notification would not apply to the petitioners. Counsel cites a Division Bench order in *Pijush Kanti Mallick Vs. The State of West Bengal and others* reported in 2017 SCC Online Cal 19143 where the Division Bench held that the concerned guidelines of the University would not apply to the petitioner as the guidelines could not have retrospective effect.

Learned counsel appearing for the University places an order passed by this court in similar matter in *WPA 14508 of 2021 (Pramod Kumar Mahato Vs. University of Calcutta and others)* in which the said Notification was also relied on and the plea of the petitioner was also rejected. Counsel places the order of the Division Bench in appeal from the said order dated 16th March, 2022 by which the appeal was dismissed.

After hearing learned counsel, there is no doubt that the petitioners being the students of the University

are bound by the Notification No. CSR/27/13 which provides for final time limit of 10(ten) years from the year of Registration of the candidates to clear all three Parts of the Examination. The fact that the petitioners were registered in 2010 would make no difference to the petitioners being bound by the said Notification. The facts in *Pijush Kanti Mallick(supra)* were entirely different. In that case, the petitioner had taken admission in B.Com.(Hons) in 2011-12 academic session and had cleared both Parts I and II Examinations in 2016 and was, however, disallowed from writing the Part-III Examination by the guidelines framed by the University Grants Commission on 15th October, 2015. In this case, the Notification of the Calcutta University cannot be by-passed at the instance of any student of the University. Further, since this court has passed orders rejecting similar prayers of petitioners in other matters, hence there is no compelling reason for this court to take a different view in the present case. The petitioners in an earlier matter unsuccessfully challenged the order passed in the writ before the appeal court.

W.P.A.8296 of 2022 is accordingly dismissed without any order as to costs.

(Moushumi Bhattacharya, J.)