

19th May, 2022
(D/L No.16)
(SKB)

W.P.A. 8911 of 2022

Dipika Sarkar
Versus
The University of Gour Banga and others

Mr. Anindya Bose,
Mr. Suman Banerjee
... for the petitioner.

Mr. Amitava Chaudhuri,
Mrs. M. Chaudhuri,
Mr. N. Roy
... for the University.

The petitioner prays for a direction on the respondent University to allow the petitioner to sit for the History(General) Part-II of B.A. Examination, 2022.

According to learned counsel appearing for the petitioner, the result of the Part-III Examination was published in 2020 and the petitioner is entitled to an opportunity of sitting in History(General) Part-II of B.A. Examination, 2022 under the U.G.C. Guidelines framed for an uniform span within which a student may be allowed to qualify for a degree. Counsel places documents by which the Guidelines were adopted by the University.

Learned counsel appearing for the University submits that the petitioner failed in the particular subject in 2019 and hence, exhausted her chance to take any further examination for completing the course.

According to counsel, the U.G.C. Guidelines may be construed to mean that the petitioner would have to complete the course within the extended timeframe i.e. 2021. It is also submitted that the petitioner exhausted her options and even under the U.G.C. Guidelines cannot be permitted any more opportunity to sit for the particular examination.

After hearing learned counsel and considering the U.G.C. Guidelines which were adopted by the University, it appears that the Guidelines may be construed in the following manner:-

- i) A student in normal circumstances is expected to complete his/her programme within the minimum period as laid down under the particular Regulation of the University. This Regulation should be in conformity with the U.G.C. Regulations for the under graduate and the post-graduate Degree and also in line with the Notification under Section 22 of the U.G.C. Act, 1956.
- ii) If a student is not able to complete the programme within the normal period/the minimum duration prescribed for the programme, a student may be allowed an additional period of 2 years beyond the normal period to clear the backlog for being

qualified for the degree. Hence, the explanation given under the Notification is an extended time span of the normal/minimum duration prescribed for completing the programme + 2 years.

- iii) A further extension of one more year may be granted in exceptional circumstances which are spelt out clearly by the relevant statutory body of the University.

The normal time span in the present case for the petitioner expired in 2020. Hence, the petitioner would be allowed an additional 2 years, i.e. till 2022 for completing the programme. Clause 2(b) of the Guidelines also provides for one more year, i.e. till 2023, subject to the exceptional circumstances being spelt out by the University. Hence, there is no doubt that the petitioner should be allowed till the end of 2022 for sitting for the Paper namely, History (General) Part-II of B.A. Examination of the University, as prayed for. Since the time is yet to come for the exceptional stage for an additional year, it is necessary to deal with the second window.

W.P.A. 8911 of 2022 is hence allowed and disposed of by directing the respondent no.4 being the Controller of Examinations, University of Gour Banga, to permit the petitioner to fill up the form and sit in the

concerned paper as detailed in prayer (b) of the writ petition. Since the examination is scheduled to be held on 23rd May, 2022, the University and the concerned respondent shall permit the petitioner to fill up the form by 4 p.m. tomorrow i.e. 20th May, 2022.

Since affidavits have not been called for, the allegations made in the writ petition are deemed not to have been admitted.

(Moushumi Bhattacharya, J.)