

WPA 10543 of 2022

Arpita Naskar
Vs.
The State of West Bengal & ors.

Mr. Samim Ahammed
Mr. Imteaz Ahmed
Ms. G. Pervin
Mr. Arka Maiti
...for the petitioner
Mr. Jaydip Kar, Sr. Adv
Mr. Debdeep Sinha
...for the respondent nos. 4 to 6
Mr. Swapan Kr. Dutta, Ld. AGP
Mr. Rajat Dutta
..for the State
Mr. Nilotpall Chatterjee
Mr. Satyaki Banerjee
...for the Calcutta University

Petitioner is a student of Bijoy Krishna Girls' College, Howrah. By filing this writ petition she challenged a notice dated June 6, 2022, whereby the college authority debarred her along with three other students from appearing in the University examination for the year 2022-2023 as a measure of disciplinary action on account of her alleged misconduct. It has been, however, clarified in the said notice that she can appear for her 6th semester final examination from the college next year as all her dues have been cleared.

Mr. Ahammad, learned advocate appearing for the petitioner submitted that the impugned punishment has been imposed upon her without any opportunity of hearing. The college is not authorized to debar a student from

appearing in the University examination. He further submitted that the punishment imposed upon the petitioner is shockingly disproportionate to the alleged misconduct.

Mr. Kar, learned advocate representing the college denies the allegation. He submits that some students including the petitioner went on a rampage at the college premises on 31st May, 2022. They broke window panes and the doors of the office and abused the students. The agitation was over the 7th semester laboratory fees, which the students denied to pay.

Keeping in mind the future of the students, this Court requested Mr. Kar to take a sympathetic view for the students and to come up with a reasonable proposal from the college so that the dispute can be resolved.

In response, the college has submitted a proposal with certain terms and conditions which are to be complied with by the petitioner. The college suggests that the petitioner should provide an unconditional written apology in the form of an affidavit along with an undertaking not to indulge in any activity to either instigate other students or to perpetrate any agitation against the management or staff of the college in any manner whatsoever. The college also insists the petitioner to further undertake that she will not indulge in maligning the college, any of the college staff and the teachers in any way in the future and shall not give any interview in any media either with regard to the incident or the legal proceedings.

It has been suggested that repairing value due to vandalism occurred on 31st May, 2022, has been estimated at Rs. 40,000/- and the petitioner should deposit the said cost with the college by June 27, 2022. It has also been suggested that the petitioner should do community service as a library attendant in the college for 3 days in a week for 4 hours a day, for a period of two months, starting from 8th July, 2022. It is also suggested that the petitioner shall ensure that there is no disruption in the peaceful academic atmosphere of the University at the time of taking the examination. The college also insists that after her tenure is over as a library attendant, the petitioner should not be allowed to enter the campus under any circumstances. Even during this period, she shall not be permitted to enter the college premises except for the purpose of examination.

I do not find the stand of the college as unreasonable having regard to the alleged misconduct of the petitioner.

Mr. Ahammed, learned advocate for the petitioner also submits that his client will furnish an undertaking incorporating the terms and conditions as indicated above. I, however, feel that the petitioner should not be saddled with the burden of Rs. 40,000/- on account of damage caused to the college. In my view, the college will be at liberty to realise Rs. 8,000/- from the petitioner on account of damage.

The college further intimates the Court that the petitioner has made some allegations against the college before the District Magistrate of Howrah and the Director of

Public Instruction. She also undertakes to withdraw the said allegations.

In that view of the matter, the petition is not required to be adjudicated on merit. The petitioner shall furnish an undertaking within 72 hours incorporating the terms and conditions as indicated in this order. She will also pay Rs.8,000/- to the college within the said period. Upon such payment and furnishing the undertaking, the petitioner shall be allowed to continue with her studies in the college on the terms and conditions as indicated above.

The University shall co-operate with the college and the petitioner to comply with this order.

I clarify that the undertaking furnished by the petitioner should not be construed as a stigma to her for any purpose whatsoever.

The impugned notice dated June 6, 2022, is set-aside insofar as it relates to the petitioner.

Though the other students, against whom the impugned notice has been issued, are not before this Court, the college will be at liberty to impose the same terms and conditions and allow them continue with their studies.

WPA 10543 of 2022 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Kausik Chanda, J.)