

4,5 27.06.2022
& PA(SS)
18

WPA(P) 275 of 2022
Ritwika Mandal and Ors.
Vs.
The State of West Bengal and Ors.
With
WPA(P) 273 of 2022
Bihit Sarkar
Vs.
The State of West Bengal and Ors.
With
WPA(P) 257 of 2022
Badrul Karim
Vs.
The State of West Bengal and Ors.

Mr. Somnath Mukherjee, Advocate
... for the petitioners
in WPA(P) 275 of 2022

Mr. Rama Prasad Sarkar, Advocate
... for the petitioner
in WPA(P) 273 of 2022

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Dey,
Mr. Sayan Banerjee, Advocates
... for the petitioner
in WPA(P) 257 of 2022

Mr. S. N. Mookherjee, Ld. AG
Mr. Amitesh Banerjee, Sr. Standing Counsel
Mr. T. M. Siddiqui,
Ms. Ipsita Banerjee
Mr. Yash Singhi, Advocates
... for the State

Mr. Abhrotosh Majumdar,
Mr. Jishnu Chowdhury,
Mr. Nilotpall Chatterjee,
Mr. Chayan Gupta,
Mr. Sandip Dasgupta,
Mr. Aviroop Mitra, Advocates
... for the Calcutta University

In these appeals the writ petitioners raised a
grievance in respect of even semester examinations

which have been declared by the respondent No.3 on June 04, 2022.

In substance the plea raised in the petitions is that on account of COVID the odd semester was delayed and examination for the odd semester were held in the last week of January, 2022 and thereafter on or about February, 2022 the regular classes for even semester had started. The plea of the petitioners is that though the syllabus has not been completed but the examinations for even semester have been declared.

Submission of the learned Counsel for the petitioners is that the time bound guidelines have not been followed and that syllabus is not complete and even the university authorities have not redressed the grievance of the petitioners but the exams have been notified.

Submission of the learned Advocate General is that petition by one of the writ petitioner has already been dismissed by the learned Single Judge and that the colleges which are responsible for completing the syllabus have not been impleaded and there are about 458114 under graduate students, but only 15 students have filed the writ petitions, whereas others have no grievance and they are appearing in the examinations. He has further submitted that the colleges where petitioners are studying and which have the

responsibility for completing the syllabus have not been impleaded and that the university has no objection in considering the grievance of the petitioners.

Having heard the learned Counsel for the parties and on perusal of the record it is noticed that undisputedly the examinations have already commenced from today. The petitioners in WPA(P) 275 of 2022 had filed WPA 10849 of 2022 which was dismissed by the learned Single Judge by order dated 20th of June, 2022. Hence, the said petitioners are not justified in taking the second chance for the same cause by filing the present public interest litigation.

It is also noticed that the respective colleges where the petitioners are studying and which have the responsibility of completing the syllabus have not been impleaded in the present petitions and full particulars of incomplete syllabus have not been pointed out during the course of argument. The learned Advocate General has pointed out as well as 150 colleges are under the umbrella of Calcutta University and if the examinations are delayed, then the students will suffer on pan-India basis because in other States the examinations are being held on time. An issue relating to holding the examinations through offline mode was raised in WPA 10435 of 2022 and learned Single Judge by order dated 13.06.2022 had dismissed the petition, against which

MAT 880 of 2022 was preferred which has been heard and reserved for order but no interim relief has been granted.

A reliance has also been placed upon the Division Bench order dated 30th of May, 2022 passed by the High Court of Judicature at Bombay in Writ Petition No. 6385 of 2022 in the matter of Balusha Santosh Bhasal and Anr. vs. State of Maharashtra and Ors. wherein a direction was issued to the petitioners to submit the representation raising the grievance before the competent authority and the said authority was directed to hear the petitioners and pass an order. In the present case also the learned Advocate General has fairly stated that the respondent Controller of examination, University of Calcutta is competent to look into the grievance of the petitioners.

Hence, in the aforesaid circumstances, we find no reason to interfere in the examination process or issue any direction in the present case in respect of postponement of the examination as the examinations have already commenced.

However, we permit the petitioners to file an appropriate representation before the Controller of examination, University of Calcutta without any delay and on receipt of the said representation the Controller of examination will duly consider the grievance of the

petitioners and take an appropriate decision in accordance with law as expeditiously as possible preferably within a period of three days from the date of receipt of representation.

The petitions are accordingly disposed of.

(Prakash Shrivastava, C.J.)

(Rajarshi Bharadwaj, J.)