

15.03.2022
sayandeep
Sl. No. 05
Ct. No. 05

WPA 19987 of 2019
With
IA NO:CAN/1/2022
Susovan Murmu
-Versus-
The State of West Bengal & Ors.

Mr. Siddhartha Sankar Mondal
Ms. Tanuja Basak
Sk. Intiaj Uddin

..... for the petitioner

Mr. Himadri Sikhar Chakraborty
Mr. Rajat Dutta

.....for the State

Mr. Soumya Majumder
Mr. Victor Chatterjee

..... for the Visva-Bharati

The petitioner prays that the petitioner be allowed to sit for the Chemistry(CH-704) paper in the Semester –I Examination in M.Sc. Chemistry. The petitioner could not clear the Chemistry paper in two successive opportunities in December, 2017. The petitioner soon thereafter made several representations from November, 2018 to June, 2019 to the Principal/Head of the Department for permitting the petitioner to avail of the opportunity to clear the paper.

The General Rules for University Examinations of the University provide for two chances to be given to a candidate who fails in any paper and one special subsequent chance if approved by the competent authority/Vice Chancellor. If such approval is given, the

candidate shall be allowed to sit for the particular paper as per the existing Rules of the University.

Upon considering the relevant Rules together with the fact that the Rules also provide that ordinarily, a student shall not be given time beyond the extended period of three years except for exceptional circumstances and on the basis of the merits of each case which shall be decided by the University. It is evident that the petitioner made several representations soon after exhausting the two opportunities in 2017 but none of the four representations were replied to by the University. The University should have at least taken a decision on the representations which were made from 2018 onwards, the last one being of 10th June, 2019.

Admittedly, the student has not been able to avail of the exception provided under the Rules to clear the Examination and has been waiting for the last four years to do so. The University is accordingly directed to permit the student to avail of the last opportunity as provided under the Rules and treated as a special circumstance in view of the failure of the University to respond to the four representations made by the petitioner.

WPA 19987 of 2019 is allowed and disposed of with a direction on the respondent No. 4 or any

other concerned authorities as the case may be to permit the student to avail of an opportunity to clear the particular paper as expeditiously as possible.

CAN 1 of 2022 is also disposed of accordingly.

(Moushumi Bhattacharya, J.)