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01-12-2022  
AKG  
Ct. 238

**WPA 28882 of 2017**  
**Dipannita Ganguly**  
**Vs.**  
**The State of West Bengal & Ors.**

Mr. Kallol Basu,  
Mr. Manabendra Thakur,  
Mr. Partha Sarathi Das,  
Mr. Deeptangshu Kar

...for the Petitioner

Ms. Rama Halder

...for the State

Mr. N. C. Bihani,  
Mrs. P. B. Bihani,  
Mr. Soumyajit Ghosh,  
Mr. Soumya Mukherjee

...for Burdwan University

The petitioner, by a letter dated October 31, 2017, was communicated by the Finance Officer of the University of Burdwan as to her entitlement to a gold medal for securing the first position in LL.B. (Honours) Examination, 2016. She scored 2630 marks in aggregate.

The private respondent secured the second position in the said examination. She, however, applied for review. After the result of the review was published, her marks was enhanced from 2629 to 2632.

Consequently, the petitioner was communicated by the University by a letter dated November 21, 2017, to the effect that due to some technical error, the letter which had been issued to her for awarding

the gold medal stood cancelled and withdrawn.

Though the order impugned in this writ petition does not provide any specific reason for the cancellation of the earlier letter, the affidavits filed by the respective parties make the reason clear.

It was forcefully argued by Mr. Kallol Basu, learned advocate appearing for the petitioner that the review result of the petitioner was never published in the website. The earlier decision of the executive council was never cancelled. Therefore, to avoid embarrassment to the petitioner, the gold medal and cash prize should be given to petitioner as well as to the private respondent.

Reliance has been placed on the judgment reported at **2022 SCC Online Del 990 (*Annie Gurmeher Kaur Vs. University of Delhi*)**.

I am of the view that the said judgment cannot lend any assistance to the petitioner. In fact, the petitioner's marks in that case, just like the private respondent in this case, were increased on review and the Delhi High Court held that the petitioner, in that case, was entitled to get the medal and prize.

I am, therefore, unable to accept the contention of Mr. Basu.

The University immediately, after the review result published on November 1, 2017, communicated to the petitioner as to the cancellation

of its earlier letter dated October 31, 2017. The award and cash prize should go only to the deserving candidate and no doubt it is the private respondent, who deserves the gold medal and cash prize having secured the first position in the examination.

In the facts and circumstances of the case, I am of the view that the decision of the University to award gold medal and cash prize to the private respondent should not be interfered with.

Accordingly, this writ petition being **WPA 28882 of 2017** is disposed of with a direction upon the University to award the gold medal and prize to the private respondent for securing the first position in LL.B. (Honours) Examination, 2016, in the next convocation of the University.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously in compliance with usual legal formalities.

**(Kausik Chanda, J.)**