

ORDER SHEET

WPO/1209/2021

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SAYANTAN BISWAS
VS
THE UNIVERSITY OF CALCUTTA AND ORS

BEFORE:

The Hon'ble JUSTICE MOUSHUMI BHATTACHARYA

Date : 20th January, 2022.

[Via video conference]

Appearance:

Md. Zohaib Rauf, Adv.

Mr. Nilotpal Chatterjee, Adv.

Mr. Raja Saha, Adv.

Mr. Sanjay Mukherjee, Adv.

Mr. Satyaki Banerjee, Adv.

The Court: It appears from the submissions of learned counsel that the petitioner lost out his Honours course in the B.Sc. Part-1 Chemistry examination by reason of the marks published by the University of the B.Sc. Part-1 examination in 2019. From the records it appears that the two marks obtained by the petitioner in the Lab Quiz held on 12th September, 2019 were not taken into account in calculation of the marks which may be included in the total marks obtained by the petitioner.

It appears from the statement of marks published by the University that the petitioner got 16 in total out of 50 marks whereas the petitioner should get 18 if the two marks of the Lab Quiz are

taken into account. The total marks would then become 85 instead of 83 and the petitioner then be reinstated in the Honours course.

WPO 1209 of 2021 is accordingly allowed with a direction on the respondent no.3 being the Controller of Examinations to include two additional marks to the aggregate of the petitioner so that the petitioner's aggregate becomes 85. The petitioner should also be reinstated in the Chemistry Honours course as the petitioner would then become eligible for admission in the Honours stream. The respondent no.3 is also directed to permit the petitioner to write the Honours paper in the next available opportunity.

Since the petitioner's year of graduation is 2021, the University is directed to ensure that the petitioner is permitted to write the Honours examination within two months from date. Any proactive stand by the University in this regard would be appreciated.

(MOUSHUMI BHATTACHARYA, J.)