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06-01-2023
AKG
Ct. 238

WPA 1 of 2023
Dr. Jay May Sarkar
Vs.
The Union of India & Ors.

Mr. Anujit Mukherjee

...for the Petitioner

Mr. Mani Sankar Chattopadhyay

...for the Respondent Nos. 4 & 5

Mr. Swapan Kr. Datta,

Mr. Tapas Kr. Dey

...for the State

Petitioner is a student of LL.B. (Three Years) examination at Seacom Skills University, respondent no. 4.

It has been submitted on behalf of the petitioner that he intends to participate in the examination through online mode being a senior citizen. Coming to the examination hall and sitting with other examinees may expose to him to health hazards particularly, keeping in mind the prevailing pandemic situation.

On behalf of the college, it has been submitted that the examination commenced on January 2, 2023 and it will be over by January 7, 2023.

At this juncture, no relief should be granted to the petitioner.

The State Government as well as the UGC by issuing circulars left it to the discretion of the

University to conduct the examination through online or offline mode.

The relevant University has decided to conduct examination through offline. The petitioner does not have any right to choose the mode of examination. He is to obey the decision of the University.

The issue has been decided by a judgment passed by this Court in W.P.A. 10435 of 2022 (Neelabja Gupta & Ors. v. The Union of India & Ors.). The same was affirmed by the Division Bench of this Court by a judgment passed in M.A.T. 880 of 2022 (Neelabja Gupta & Ors. v. Union of India & Ors.).

In that view of the matter, this writ petition being WPA 1/2023 is dismissed.

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

(Kausik Chanda, J.)