

04.4.2023

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WPA 3085 of 2023

Anirban Halder
Vs.
University of Calcutta & Ors.

Mr. Himadri Barua
Mr. Biswajit Das
... For the petitioner.

Mr. Nilotpal Chatterjee
Mr. Satyaki Banerjee
... For the University.

When this writ petition was taken up for hearing on March 28, 2023, this Court recorded the following order:

“The petitioner is a student of Bachelor of Arts (Pass) under Calcutta University. He has duly clear his first to fifth semester examinations, but in sixth semester, he failed in Language Creativity and Analysis paper.

The petitioner approached this Court on the earlier occasion with a grievance that though he applied for review of the answer script, his review result was not published.

This Court directed the University to publish his review result within a specified period of time. Thereafter, the review result was

published but the petitioner's marks were not enhanced.

By annexing copy of the relevant answer script, this writ petition has been filed by making prayer for re-examination of the relevant answer script by the University. The learned advocate for the petitioner has indicated that the original examiner has made an endorsement in the answer script as follows:

"Illegible handwriting answers cannot be deciphered."

It is the submission of the learned advocate for the petitioner that when the relevant examiner could not read the answer script he ought not to have assigned only 1 ½ marks against the said answer.

The petitioner contends that had the answer script been properly evaluated, the petitioner would have secured higher marks in the said paper. The petitioner has annexed a typed copy of his answers to suggest that he deserved higher marks in the said paper.

On behalf of the University it has been submitted that the answer script of the petitioner has been reviewed and there is no

scope for further re-assessment or review of the answer script. Therefore, the writ petition should be dismissed. It has also been submitted by the learned advocate for the University that the petitioner could have availed of the opportunity of appearing in the supplementary examination to clear the said paper in due time.

Learned advocate for the petitioner submits that since considerable period of time has lapsed in pursuing the litigations before the Court, the petitioner could not take the opportunity to avail the supplementary examination.

The University will take instruction as to whether the petitioner would be allowed to sit in the supplementary examination for the said paper.

List this matter after seven days.”

Today, on behalf of the University it has been submitted that the petitioner will be allowed to appear in the said paper namely, Language Creativity and Analysis as a supplementary paper in the examination which is expected to be held in the month of June/July of this year.

Needless to mention that the petitioner will be allowed to appear in the said paper as a supplementary examination along with regular candidates.

With the aforesaid observation, WPA 3085 of 2023 is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)