

01.08.2023
Item No.19
Ct. No. 238
AKG

WPA 3161 of 2023
Sohan Kumar Dey
Vs.
The State of West Bengal & Ors.

Mr. Arnab Mandal	...for the Petitioner
Mr. N. C. Bihani, Mr. Soumya Mukherjee	...for the University
Mr. Subir Pal	...for the College

Let the instruction filed by the university be kept with the records.

The petitioner is a student of English (Honours) course at Burdwan University. The petitioner cleared his first semester examination in the year 2022. Disputes cropped up regarding the second semester examination of the petitioner. At that material point of time, due to prevalent pandemic situation across the country, a candidate required to upload his answer script on the portal of his college. The college, in turn, used to evaluate the answer scripts and send the evaluated papers to the university for issuing the marksheet.

Learned advocate representing the college submits that the evaluated answer scripts of the second semester of the petitioner were sent to the university by the college.

The university suggests that the college did not upload the form of the petitioner and as a result, no

admit card was issued in favour of the petitioner permitting him to take the second semester examination.

It appears that in this petition, a Co-ordinate Bench of this Court on March 9, 2023 had directed the university to arrange for a special examination for the petitioner for the third semester examination and the petitioner accordingly, appeared in the said examination.

Today, it has been submitted on behalf of the university that the petitioner could not clear his third semester examination. It has, however, been made clear by the university that the petitioner as per the applicable regulation is entitled to take his third semester examination along with the upcoming fourth semester examination.

It appears that a hearing took place before the Controller of Examination of the university on June 12, 2023 and before the Registrar of the University on July 18, 2023 to resolve the dispute relating to the second semester examination of the petitioner. From the documents produced by the college, it appears that the evaluated answer scripts of the petitioner were uploaded by the college on the web-portal of the university.

It cannot be disputed that in course of hearing before the Registrar, the copies of the evaluated

answer scripts of the second semester examination were handed over to the university.

Considering the aforesaid facts, this writ petition is disposed of with a direction upon the university to regularise the second semester examination of the petitioner, regardless of the fact that no admit card was issued in favour of the petitioner. This order is passed only to protect the interest of the petitioner, who was at no fault.

The university shall issue the second semester marksheet of the petitioner on the basis of the evaluated answer scripts submitted by the college to the university within one-week from the date of communication of this order.

The third semester examination of the petitioner is also regularized. If the university regulation permits, the petitioner will be at liberty to avail his second chance to clear his third semester examination along with the upcoming fourth semester examination.

With this aforesaid direction, **WPA 3161 of 2023** is disposed of.

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.)