

05.07.2023
Item No. 23
Ct. No. 238
AKG

WPA 3493 of 2023
Neha Bhowmick
Versus
State of West Bengal & Ors.

Mr. Rahul Singh,
Mr. Arkadeb Biswas,
Mr. Sutirtha Nayek

...for the Petitioner

Mr. Abhrotosh Majumdar,
Mr. Nilotpall Chatterjee,
Mr. Sourabh Sengupta

...for the University

Mr. Tapas Kr. Mandal

...for the State

Mr. Biswaroop Bhattacharya,
Mr. Pratik Majumdar

...for the Respondent No. 6

This Court is surprised at the manner in which a student has been dealt with by an age-old law college affiliate with Calcutta University.

By filing this writ petition, the petitioner sought for a direction upon the university to register her name.

The petitioner sought admission to B.A. L.L.B. degree programme at the relevant law college for the academic year. Due to the pandemic situation prevalent over the country, the admission to the law colleges was not based on any Joint Entrance Test. Merit list was prepared on the basis of the marks obtained by a candidate in Higher Secondary (10+2) examination. The parties before this Court do not

dispute that the rank of the petitioner in the merit list was 4362.

It is also an admitted position that the rank of the last candidate admitted through the counselling process in the relevant college was 1132. The college forwarded a list of the candidates to the university containing the name of 150 students, where the name of the petitioner did not figure.

Mr. Biswaroop Bhattacharya, learned advocate representing the college submits that in that particular year, many seats were lying vacant under the Unreserved category. The college, therefore, decided to admit additional sixty one students to fill up the said vacancies and accordingly, it took a resolution on November 30, 2022 to admit additional sixty one students for the B.A. L.L.B. Course and subsequently, by a letter dated December 1, 2022 sought approval from the university.

Though nothing was communicated from the end of the university, the petitioner was granted admission in the first semester along with other students. The petitioner suggests that she was admitted to the College on September 16, 2022.

It has been submitted by the learned advocate appearing for the petitioner that she was allowed to attend classes for more than a month and also deposited the fees for the first semester examination.

At this juncture, the petitioner found that the university has declined to grant her registration.

Mr. Bhattacharya, learned advocate for the college submits that the petitioner was granted admission only on September 28, 2022. Mr. Bhattacharya further submits that all the students, who were granted admission belatedly, gave his/her declaration before the college to the following effect:

“If in future the university does not allow the Registration of 5-year B.A. LL.B. Course due to any reason and/or cause then the college authority will not be liable to treat me as a regular/authorized student and the admission will stand cancelled.”

The petitioner, however, submits that she never signed such an undertaking.

While the date of admission is disputed by the college, the factum of admission by the college remains undisputed.

Mr. Nilotpal Chatterjee, learned advocate appearing for the university has submitted before this Court that the document appearing at page 10 of the writ petition which purports to be a receipt of application for registration, is ungenuine. It is the specific case of the university that the said document has been prepared only to demonstrate that the

admission by the petitioner was within the last date of admission fixed by the university, i.e., September 28, 2022.

Mr. Chatterjee submits that the petitioner has approached this Court with a fabricate document and therefore she should not be granted any relief by this Court. He further submits that the university at no point of time allowed the college to admit any students beyond the last date of admission without adhering to the merit list. He submits that this stance is maintained to preserve the merit in the admission process.

It has been, however, fairly submitted by the learned advocate appearing for the petitioner that during the pendency of this petition, the petitioner has taken admission in a different law college under a different university and she is no more interested to continue her study with the present law college. The learned Advocate for the petitioner submits that the petitioner in this way, has lost a valuable year of her career.

Mr. Bhattacharya however, submits that there has been no loss of year since the petitioner has taken admission in the new college in the same academic session.

It is not relevant whether there has been any loss of academic year for the petitioner. It should be

noticed that her admission in the college was not a backdoor entry. The petitioner's name was in the merit list. The college consciously allowed to take her admission.

Only after taking admission in the first semester, it was made known to the petitioner that the university declined to grant her the registration. The harassment and agony undergone by the petitioner can easily be perceived.

The college authorities should have acted in a more responsible manner. Before admitting the students, it ought to have obtained approval from the university. Without any approval, it ventured to admit the students, accepted the admission fees and allowed them to attend classes.

Having regard to the aforesaid facts, I am not inclined to pass any direction upon the university in this writ petition. The writ petition is disposed of with a direction upon the college to pay a sum of Rs. 50,000/- to the petitioner as token reparation.

Accordingly, **WPA 3493 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.)

LATER

Mr. Bhattacharya, learned advocate appearing for the college prays for stay of operation of this order insofar as it relates to payment of Rs. 50,000/- to the petitioner. Such prayer is considered and rejected.

(Kausik Chanda, J.)