

05.10.2023
SL No.13
Court No.8
(gc)

**MAT 444 of 2023
CAN 1 of 2023**

**Soni Kumari
Vs.
The Burdwan University & Ors.**

Ms. Rita Patra,
Ms. Pusmita Das,
...for the Appellant.
Mr. Debdas Khanna,
Mr. Himadri Shekhar Chakraborty,
...for the Burdwan University.

1. Mr. Allen Felix, Advocate appears and submits that he has given a change in favour of Ms. Rita Patra, Advocate. Henceforth, the name of Mr. Allen Felix shall not be printed in the cause title.
2. The appeal is arising out of an order dated 22nd February, 2023 in a writ petition in which the appellant/petitioner prayed for a direction upon the University to permit her to appear in the ongoing 5th Semester Examination of B. Tech course under the Burdwan University. The petitioner admittedly did not qualify in the necessary Joint Entrance Examination. Without being securing any rank in the Joint Entrance Examination, the petitioner is not eligible to take admission at the relevant engineering college.

3. In the affidavit in reply, the petitioner has disclosed the name of few candidates who had taken admission without participating any WBJEE/JEE examination.
4. The law does not permit any negative equality. It is elementary that one wrong does not make another wrong right. Admittedly, the appellant did not have the requisite qualification. The learned Single Judge has declined to permit the petitioner for registration in the 5th Semester Examination following the decision of the Hon'ble Supreme Court in ***Dental Council of India Vs. Dr. Hedgewar Smruti Rugna Seva Mandal, Hingoli*** reported at ***(2017) 13 SCC 115***.
5. The learned Counsel for the appellant has submitted that the appellant has allowed registration certificate for electrical engineering course and, accordingly, the appeal has now become infructuous.
6. The learned Counsel for the Burdwan University has disputed that any such registration certified has been issued.
7. Be that as it may, we do not find any reason to interfere with the impugned order.

8. Accordingly, the appeal and the application stand dismissed.
9. However, there shall be no order as to costs.
10. The affidavit-in-opposition and the affidavit-in-reply filed by the University and the appellant are taken on record.
11. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)