

03.7.2023

ap

44

WPA 12402 of 2023

Akash Khattick

Vs.

State of West Bengal & Ors.

Ms. Pritha Bhaumik

Mr. Nazir Ahmed

... For the petitioner.

Mr. Pratik Dhar, Sr. Advocate,

Mr. Samir Halder

Mr. A. Roychowdhury

... For the College.

Ms. Debjani Sengupta

Ms. Shahina Haque

Mr. Abhijit Chatterjee

Ms. Koyel Bag

Ms. Jonaki Khan

... For the University.

Mr. Tapas Kr. Mandal

... For the State.

The petitioner was an LL.M student at Sarsuna Law College, Kolkata.

It is the grievance of the petitioner that because of certain omissions on the part of the College, he was not provided with the mark sheets of 3rd and 4th semesters, though he successfully completed those semesters.

Affidavit-in-opposition filed by the College (Paragraph 2) reads as follows:

“2. With reference to the statements and/or allegations made in paragraphs no.1 to 9 and 11 to 28 of the writ petition, I deny and dispute only the allegations made against the answering respondent save and except which are matters of record and specifically been admitted by me

in the present affidavit. It is stated that the examination for 3rd semester was held in the month of February, 2020. Thereafter, the answer-scripts were checked and numbers were duly given. The writ petitioner Akash Khattick duly appeared in the 3rd semester along with other students and became successful. It is further stated that during severe Covid-19 pandemic situation, in the month of August-September, 2020, all the mark-sheets of the candidates, who appeared and became successful in the 3rd semester examination, were sent to the Vidyasagar University for the purpose of due signature to be made by the Vidyasagar University along with a tabulation sheet containing details of the students. The procedure is that all the mark-sheets of successful candidates, after due signatures by the respective persons of the Sarsuna Law College along with a tabulation sheet containing the names of the students and their details, are sent to the Vidyasagar University. Thereafter the concerned authorities of the Vidyasagar University put their respective signatures on the individual mark-sheets of the candidates and the same are returned while submitting the mark-sheet of next semester (i.e. 4th semester in this case). The writ petitioner also appeared in the 4th semester and in the similar manner the mark-sheets of all the candidates along with the mark-sheet of the writ petitioner were sent to the Vidyasagar University, when, on 22.02.2021, in the tabulation sheet (which was made for sending the mark-sheets of the 4th semester), in the serial number 26 (i.e. the serial number of the writ petitioner) was penned through by the Vidyasagar University and a reason was written being "No Roll No.in 3rd Sem". The said reason which was recorded in the tabulation sheet meant for the 4th semester was of dated 22.02.2021. Thereafter, on

the part of the Sarsuna Law College authorities, efforts have been made to pursue the matter of the writ petitioner with the Vidyasagar University inter-alia stating that the writ petitioner duly appeared in the 3rd semester successfully and it was the mistake on the part of the college authorities of not including the name of the writ petitioner in the tabulation sheet meant for the 3rd semester while sending all the mark-sheets of all the candidates including the writ petitioner. It is further stated that it is a fact that the writ petitioner duly appeared in the 3rd semester examination. It is also a fact that the mark-sheet of the writ petitioner was sent by the college authorities to the Vidyasagar University but due to abovementioned error in the tabulation sheet while sending the mark-sheets, the name of the writ petitioner was not included. At that point of time it was August-September, 2020 i.e. severe Covid-19 pandemic situation. It is stated that the mark-sheets of the 3rd semester are returned when mark-sheet of 4th semester are submitted by the Sarsuna Law College authorities. In this case, the mark-sheets of 3rd semester including the mark-sheet of the writ petitioner was returned on 22.02.2021 while a comment was made which was meant for the 4th semester to the effect "No. Roll in 3rd Sem" in respect of serial no.26 of the tabulation sheet of the writ petitioner which was meant for 4th semester. Therefore, prior to submitting the tabulation sheet and the mark-sheets of the candidates for 4th semester, the college authorities had no scope to know about the error. This may also be stated that it was the Vidyasagar University which duly issued registration certificate for the writ petitioner which shows that the writ petitioner is a genuine student and the mark-sheet of the writ petitioner for 1st, 2nd semester were also duly signed by the Vidyasagar University.

Therefore, because of human error which has taken place, Vidyasagar University, may not refuse to sign the mark-sheet of the writ petitioner. The answering respondent craves leave to produce 1st, 2nd, 3rd and 4th semester mark-sheets of the writ petitioner, if the same become necessary, before This Hon'ble Court.”

Ms. Sengupta, learned advocate representing the University submits that the college cannot shift the blame upon the University. Before filing of this writ petition, the college did not communicate with the university regarding issuance of the mark sheets.

Mr. Dhar, learned senior advocate representing the College, contends that because of the conflict between the college and the university the mark sheets of the petitioner were not issued.

I am not in a position to accept this stand of the College, it also is not necessary to assign any blame to any authority keeping in mind the best interest of the student. It is an admitted position before this Court that in the tabulation sheet of the 3rd semester, the college failed to include the name of the petitioner which ultimately lead to non-issuance of mark sheets by the university.

In the aforesaid facts of the case, the writ petition is disposed of with a direction upon the College to forward necessary documents to the University within seven days from date. After receiving the said documents, the University will issue the mark sheets of

3rd and 4th semesters in favour of the petitioner within two weeks.

Since the college is no more affiliated with Vidyasagar University, the University shall hand over the mark sheets directly to the petitioner.

With the aforesaid directions, **WPA 12402 of 2023** is disposed of.

Urgent certified *website* copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)