

17.10. 2023
item No.38
n.b.
ct. no. 238

WPA 23077 of 2023

**Mahek Jhunhunwala
Vs.
State of West Bengal & Ors.**

Mr. Anjan Bhattacharya,
Mr. Sunny Nandy,
Mr. Sayantan Chatterjee,
Mr. Subha Pathak,
.....for the petitioner.

Mr. Loknath Chatterjee,
Mr. Sourav Bhagat,
Mr. Mainak Pal,
.... For the respondent Nos.7,8,9.

Mr. Soumya Majumder,
Ms. Sanjukta Dutta,
..... For the respondent nos. 2 to 6.

It appears that the petitioner is a student of Bachelor of Business Administration(BBA) in J. D. Birla Institute, Kolkata. The petitioner did not have the required attendance to appear in the first semester examination. The college, however, allowed her to seat in the said semester examination with an undertaking from her that she would regularly attend the second semester classes.

It appears that during the second semester, the petitioner had some medical issues for which she could not attend second semester regularly. Because of her shortage of attendance, she was not allowed to seat in the second semester examination and consequently, she was not allowed to attend the third semester classes. The

third semester examination is scheduled to be held in the month of December 2023. The internal examinations are also over.

I am of the view that the college could not have debarred the petitioner from attending the third semester classes on the ground that she could not clear the second semester. The petitioner could clear the second semester papers along with the subsequent semesters in terms of the applicable regulations of the University.

To protect the academic interest of the student, the following directions are passed.

- A. College will permit the petitioner to attend third semester classes. If necessary, the college will arrange for special classes for her.
- B. The college shall also conduct special internal examination for the petitioner and the university shall allow her to appear in the third semester examination scheduled to be held in December 2023 notwithstanding her shortage of attendance.
- C. If the petitioner clears the third semester examination, she will be allowed to take the second semester examination together with the fourth semester examination.

I make it clear that if the petitioner does not attend the required classes of the coming semesters, no leniency

will be shown to her either by the college or by the University.

This order has been passed having regard to the facts and circumstances of the case without creating any precedence.

Accordingly, **WPA 23077 of 2023** is disposed of.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)