

Mr. Ranjan Kali,
Ms. Mili Saha,
Ms. Payel Nath

...for the Petitioner

Mr. Rudraman Bhattacharyya,
Mr. Saurojit Dasgupta,
Mr. Rajdeep Mantha,
Mr. Souvik Kundu

...for the Respondents

The petitioner was enrolled as a BBALLB (H) at Amity University in the year 2018. The petitioner could not clear two papers in 2nd semester, four papers in 3rd semester, and all nine papers in 5th semester of the said course. The petitioner approached this Court by filing a writ petition, which was disposed of by a Co-ordinate Bench of this Court by an order dated May 13, 2022. The relevant part of the said is quoted below:-

“Learned counsel for the University submits upon instructions that the petitioner may be allowed to clear six papers in the 2nd and 3rd semester within a comfortable timeframe. Counsel places an undertaking given by the petitioner on 29th August, 2022 wherein the petitioner had stated that the petitioner would clear the backlog papers before being promoted to the next semester.

It appears that the petitioner is now in the 7th semester but has not been allowed to attend classes in the 6th semester despite having paid full fees.

After hearing learned counsel, this Court is of the view that the petitioner should be directed to clear the backlog of papers in the 2nd and 3rd semester examination, which are six papers, within a period of two to three weeks with the

papers comfortably spread over. The petitioner shall, however, be allowed to attend classes of the 7th semester. If the petitioner has indeed been deprived of attending classes in the 6th semester, the University shall take steps to arrange for special classes for the petitioner since the University has accepted full fees from the petitioner in that regard.

WPA 7865 of 2022 is disposed of in terms of the above.”

After the said order was passed, the petitioner was given an opportunity by the university to clear his backlog by conducting special classes. Though the petitioner gave an undertaking that he would clear the backlog papers before being promoted to the next semester, facts remained that he could not clear his 3rd semester and 5th semester despite being given the opportunity to do so. He, however, cleared the 6th semester examination.

The petitioner has filed this writ petition with a grievance that the university did not act in terms of the order dated May 13, 2022, and he was not allowed by the university to attend the classes of 7th semester.

It is the case of the petitioner that in terms of the order passed on May 13, 2022, he should be allowed to complete the entire course by December, 2024.

The university was asked to submit its proposal to facilitate the petitioner’s expeditious completion of the course.

On behalf of the university, it has been proposed

that the petitioner will be allowed to clear his backlog within August 2023 and as a special case, he will be given two chances in total to clear his backlog within the same time. Subject to clearance of the backlog and meeting the promotion criteria, the petitioner will be promoted to the 7th semester examination which will commence from September, 2023, and continue to finish his law degree by June, 2025, subject to clearing all papers from 7th semester onwards.

The petitioner strenuously argues that the university should make an arrangement so that he can complete the course by December 2024, since on earlier occasion special classes were arranged for him so that he could clear his backlog.

This Court understands that the petitioner has been asked to attend the classes so that he can clear his backlog and finish the course in conformity with the applicable UGC Regulations, which mandates that before sitting in a semester examination, a student must attend 16 to 18 weeks of classes.

This Court finds that the petitioner, on earlier occasions, could not clear his semesters in his first attempt. Insistence on the part of the petitioner to again make a special arrangement for him to clear his backlog and appear in the following semester examinations without attending the regular classes does not appeal to

this Court. The petitioner as a student of the university is expected to abide by its regulations and must attend the required classes before he appears in any examination.

I do not find that the proposal of the university is unreasonable. The university as a special case agreed to give the petitioner two chances to clear his backlog and then to complete the course in accordance with the applicable regulations.

The petitioner will be at his liberty to accept such proposal.

With the aforesaid observations, this writ petition **WPA 27320 of 2022** is disposed of.

Urgent photostat certified copy of this order, if applied for, be made available to the petitioner upon compliance with all requisite formalities.

(Kausik Chanda, J.)