

29.03.2023

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WPA 27853 of 2022

Sk. Md. Abrar Jiya @ Sekh Mahammad Anbrar Jiya
Vs.
State of West Bengal & Ors.

Sk. Rejaul Alam
... For the petitioner.

Mr. Nilotpal Chatterjee
Mr. Sourabh Sengupta
... For the Calcutta University.

Mr. Sudipto Panda
Ms. Munmun Tewary
... For the State.

Pursuant to the order dated March 24, 2023, the University has filed its report. The petitioner has also taken exception to the report by filing an affidavit.

The petitioner enrolled in the Four Year Bachelor of Technology course in June and Fibre Technology at the Institute of Jute Technology under Calcutta University.

Mr. Nilotpal Chatterjee, learned advocate appearing for the University submits that the petitioner cleared his first semester held in 2016. He, however, failed the Sociology paper in the second semester held in 2017. The subsequent second semester examinations were held in June, 2018 and again in the month of June 2019, but the petitioner chose not to appear to clear the said paper.

Mr. Chatterjee further submits that a special supplementary examination was also held in November, 2019. The petitioner appeared in the said supplementary examination but could not clear the paper. In this way, the petitioner lost four chances to clear the Sociology paper. As per the “Regulations Schedule of Papers and New Syllabus for the (4-year 8-Semester) B. Tech, Course of Study in Jute and Fibre Technology” of the University the supplementary examination of all papers of the present semester needs to be arranged soon after the publication of results of regular examination of the present semester, if a candidate fails to clear supplementary papers, he/she gets another chance to clear the same in the corresponding semester in the next academic session.

In my view, though the petitioner was provided with all the opportunities in terms of the said Regulations, he could not clear the Sociology paper.

Learned advocate appearing for the petitioner submits that the petitioner was given only one chance by allowing him to appear in the special supplementary examination in November, 2019.

He further submits that the special supplementary examination in terms of the Notification No. CRS 15/15 should have been arranged only after

the results of regular examinations of the eighth semester.

I am unable to accept the contention of the petitioner. The clause 5 of the said Notification makes it clear that the special supplementary examination will be arranged only for eight semester to suggest that the candidate who has failed in eight semester would be given another chance to clear his paper.

Sociology paper was not the first supplementary paper of the petitioner. The University has rightly pointed out that the petitioner failed in Computer Programming and Data Structure paper in the first semester and cleared the said paper in the month of January, 2018. For Sociology paper he, however, did not avail the opportunity to clear the paper by appearing in the supplementary examinations, which were held in June 2018 and June 2019.

I am of the view that the University was under no obligation to arrange for another supplementary examination for the petitioner as per the aforesaid regulations. This Court, however, does not approve the order impugned in the writ petition, since the University wrongly applied Regulation CSR/29/10 in the petitioner's case. In my view, applicable is "the Regulations Schedule of Papers and New Syllabus for the (4-year 8-Sememter) B. Tech, Course of Study in

Jute and Fibre Technology” introduced by notification no. CSR/15/15. Since I have already held that the petitioner was provided with all the chances in terms of the said Regulations, I am of the view that the petitioner is not entitled to get any further relief.

Accordingly, WPA 27853 of 2022 is dismissed.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)