

02.01.2023

ap
23

WPA 28093 of 2022

Kasturi Sarkar

Vs.

Visva-Bharati & Ors.

Mr. Puspall Chakraborty

Ms. Prasanka Ganguly

Mr. Saumyadeep Sarkar

... For the petitioner.

Mr. Shubradip Roy

... For the respondents.

The petitioner was a student of B.A. (Honours) in Comparative Religion under Visva-Bharati.

The first semester examination was held in the year 2018. The petitioner failed in CC-2 (Islam: Origin and Development) and GEC-I (Comparative Literature) papers. Thereafter she was allowed to write the said two papers again in the year 2019 along with the second semester. This time also the petitioner could not clear those two papers. Again in the year 2020, the examination was held for the said two papers, but the petitioner did not fill up the form to appear in the examination. In the year 2021, the University issued admit card in favour of the petitioner for appearing in the said two papers.

It is submitted by the petitioner that she participated in the examination but her result was not

published. The petitioner prays that her result of those papers should be published.

I need not examine the factual aspect as to whether the petitioner appeared in the examination for the said two papers in the year 2021. The petitioner, in fact, was not eligible to appear in the year 2021 in the said two papers which would be apparent from the relevant regulations of the University. The relevant part of the “General Rules for University Examinations” framed by Visva-Bharati is quoted below: -

“Chances for Back Candidates: A candidate who fails in any paper will be eligible for two normal and one special subsequent (consecutive) chance if approved by the competent authority (Vice-Chancellor) to sit for the examination for that particular paper(s) as per the existing Rules of the University. The students of the University pursuing their studies under ICAR curriculum [B.Sc (Ag) & M.Sc.(Ag) and under NCTE curricular for B. Ed & M. Ed Courses, etc., shall get their respective chances as laid down in the ICAR, NCTE etc., norms. If a student of Ph.D. or M. Phil fails to qualify/pass in any of the courses in his/her regular chance in any semester, one additional chance in the

immediately succeeding academic session shall be given and that shall be the final chance.”

It is submitted on behalf of the petitioner that the first chance is availed only after a candidate fails in his/her first attempt to clear a paper. In other words, the petitioner suggests that she availed her first chance only in the year 2019 when she was allowed to sit in the examination for those two papers of the first semester along with her second semester.

I am not in a position to accept the contention of the petitioner. In my view, the rules make it clear that when the petitioner failed in the said two papers in 2018 she lost her first chance. Then she was given second chance in the year 2019 and again with the approval of the Vice-Chancellor, third chance was given to her in the year 2020. The petitioner could not appear in the examination to avail her third chance.

In my view, the petitioner was provided with three consecutive chances as required under the Rules. Therefore, the petitioner was not entitled to any further chance with regard to the said two papers.

The petitioner has placed further reliance upon Clause (e) of the said rules under the heading **U.G, P.G, M. Phil & Ph. D. Coursework Examination**. The Clause is quoted below:-

“e. Repeater: A candidate who fails to secure required percentage of attendance shall have to repeat all the Courses of the Semester at the next available chance. He/she shall appear in the internal and terminal examinations after filling the requisite examination form and then only be allowed to do the next Semester. During the duration of one course a student will be able to repeat maximum of two times.”

I am of the view that the said clause does not at all apply to the petitioner. Nothing has been pleaded in the writ petition to suggest that the petitioner was asked to repeat the course as she failed to secure the required percentage of attendance.

In that view of the matter, it is immaterial that whether the petitioner was allowed to write those two papers in the year 2021 or not. The petitioner was not at all eligible to take those papers in the year 2021 after losing her three consecutive chances. The University rightly withheld the result of the petitioner.

The writ petition is devoid of any merit and accordingly WPA 28093 of 2022 is dismissed.

There will be no order as to costs.

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.)