

WPA 2249 of 2024

Dipika Mondal @ Pal

-vs-

The State of West Bengal & ors.

Ms. Anyasha Das

...for the petitioner

Mr. Nilanjan Bhattacharjee

...for the Burdwan University

Mr. Gourav Das

Ms. Rajyashree Mukherjee

...for the State

No one appears on behalf of the College Authorities, although the petitioner, the State and the University are represented.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner was a student of B.Ed. at the Sukla Devi Academy, Salkhana, Birbhum being Roll No. 359-SEM-1854-030 for the year 2018-2020. In the year 2018, she cleared the 1st semester. During her 2nd semester in the year 2019, she had some medical issues for which she could not appear in the test. However, she was promised by the College Authority that she would be able to take the relevant test during her 4th semester. In the meantime, Covid-19 Pandemic intervened. The 4th semester took place Online. The petitioner was not aware of any notification in this regard. In 2020, the provisional results for the 2nd semester test were published. It was mistakenly shown that the petitioner had cleared the examination. Initially she was

not aware of a correction done thereafter. In the interest of justice, the petitioner may be permitted to sit the examination and complete her course.

Learned counsel appearing on behalf of the University denies the allegations and submits as follows. Rule 14 of the Examination Rules and Regulations for the 2nd year B.Ed. course under semester system of the University requires that a candidate shall have to clear the B.Ed. course within six consecutive chances i.e., within three years from his or her date of examination. As the petitioner was a candidate for the session 2018-2020, the time for passing the course examinations for lapsed by quite a few years.

Learned counsel representing the State opposes the prayer of the petitioner.

It appears that provisional result published by the University on 18.11.2020 showed the petitioner had passed the semester examinations. But the petitioner knew about it and should have contacted the authorities to have the thing corrected and prayed for sitting in the examination in the forthcoming semester. It is also submitted on behalf of the University that the wrong was corrected soon thereafter.

In view of the Rule 14 of the Relevant Rules, the candidate for B.Ed. course was obligated to clear the course within six consecutive chances i.e., within three years, although the course is meant for two years. That period has clearly lapsed.

However, it also appears that the petitioner was

allowed to continue to sit in the subsequent examinations and it is the petitioner's case that she, for the first time, came to know about a correction of the earlier results only in 2023.

First, admittedly there was a mistake on the part of the University in publishing the result of the 2nd semester, although the petitioner ought to have known about the result and should have contacted the authorities in this regard. It is also true that the University allowed the petitioner to sit in the subsequent semester tests.

In such peculiar circumstances, the petitioner is permitted to make a fresh representation before the University authorities in this regard within a week from this date. The same shall be considered by the respondent authorities within a month therefrom. The result shall be communicated to the petitioner immediately thereafter.

With these observations, the writ petition is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J.)