

08.02.2024
Sl. No. 06
Suman
Ct.No.238.

WPA 2610 of 2024

Rahul Mukhi
Vs.
The University of Calcutta and Ors.

Mr. Mrinal Kanti Mukherjee
Mr. Dipanjan Biswas
Ms. Sobna Parveen
Ms. Purnima Panda
..for the petitioner

Mr. Nilotpall Chatterjee
Mr. Satyaki Banerjee
..for Calcutta University

The petitioner enrolled himself for the three-year Bachelor of Arts (General) course under the University of Calcutta.

It is not in dispute that he took admission in the month of June, 2018. It is also an admitted position that the petitioner, as on date, has cleared all his semester examinations except the fifth semester examination. The petitioner had the opportunity to appear in the fifth semester examination in the month of January, 2021, but he did not avail the opportunity. Again, he got a second chance to clear the said semester examination in the month of January, 2022. This time, he appeared in the examination but failed to clear the same. The

petitioner again had the opportunity to clear the fifth semester examination in the month of January, 2023. This time again, the petitioner did not appear in the examination.

Learned advocate for the petitioner has drawn attention of this Court to a notification dated January 16, 2024, whereby the unsuccessful candidates of B.A./B.Sc./B.Com. in fifth semester examination have been asked to appear in the fifth semester, 2023 examination scheduled to be held in the month of February, 2024. He suggests that the petitioner has a right to appear in the fifth semester examination following the said notification dated January 16, 2024.

The duration of the programme was five years.

The relevant part of the regulation relating to “Admission and Examination for Semester-wise Three Year B.A./B.Sc./B.Mus. (Honours/General) Courses of Studies under Choice Based Credit System (CBCS)” is quoted below:-

“2. Duration of the Programme

The 3 year B.A/B.Sc./B. Mus. (Honours/General) Programme shall be for a minimum duration of **six (6) consecutive semesters of six (6) months each, i.e., three (3) years.** The odd semester will start ordinarily in the month of **July** and the even semester in the month of **January** of every year.

A candidate pursuing a regular course of study for three-year semester-wise degree course shall have to clear all the semesters in all respects within a span

of five years from the year of admission to the particular course and combination, failing which enrolment of the candidate shall stand cancelled.”

It is an admitted position that five years’ tenure of the petitioner expired in the month of June, 2023. Therefore, the petitioner could not be permitted to take any semester examination after the expiry of said five years’ tenure.

It has been argued by the petitioner that since within six months after January 2023 the university did not conduct the fifth semester examination, the petitioner could not avail the opportunity to clear the said semester.

I am of the view that the university was under no obligation to hold fifth semester examination within a period of six months from January, 2023.

The relevant part of the said regulation is quoted below:-

“16.1. The 3 year B.A./B.Sc./B.Mus (Honours and General) Course of Studies under CBCS shall consist of Six (6) Semesters (Semester-I, Semester-II, Semester-III, Semester-IV, Semester-V and Semester-VI.)

16.1.1. End Semester Examinations are to be held ordinarily at the end of the concerned Semester, i.e., Semester-I, Semester-III, Semester-V in **December-January** and Semester-II and Semester-IV, Semester-VI in **June-July.**”

In terms of the aforesaid examination regulations, the university conducts the odd semester examinations in the month of January/February while the even

semesters are conducted in the month of the June/July. After the fifth semester examination held in the month of January, 2023, the next fifth semester examination has been rightly scheduled by the university in the month of January/February, 2024. The petitioner within the span of five years had three opportunities to clear the fifth semester examination, which he failed to avail. After the expiry of five years, he is not entitled to take any examination.

Accordingly, there is no merit to entertain this writ petition and **WPA 2610 of 2024** is **dismissed**.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)