

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 2950 of 2024

Swagatam Sinha

versus

The Vice Chancellor, University of Burdwan and others

For the petitioner	Mr. B.K. Bhattacharyay
For the Burdwan University	Mr. Jyoti Prakash Chatterjee
Amicus Curie	Mr. Nilotpall Chatterjee
Lastly heard	25.09.2024
Judgment on	25.09.2024

JAY SENGUPTA, J:

1. This is an application for a direction upon the respondent authorities to allow the petitioner to sit for the examination in question in terms of the representation and notice annexed with the writ petition.

2. Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner appeared in the B.A. Examination (General) Sessions 2019-2022 from Gushkara Mahavidyalaya under the University of Burdwan in Semester – I in the year 2019, but became unsuccessful in the subject Philosophy. He could not succeed in the second time because of non-

production of project paper during the Covid-19 pandemic situation. However, in the third attempt which was scheduled to take place in the year 2021, he was unaware of the exact date fixed for such examination as the same was not widely publicised. However, he later came to know that the examination was over. He made a representation before the University to allow him to sit for the examination on a subsequent date. This was in view of the conditions stipulated by the University that for passing a particular Semester, three successive attempts could be taken at the most.

3. Learned counsel appearing on behalf of the University denies the allegations and submits as follows. Even during Covid-19 pandemic period, the petitioner made an attempt and sat in the examination. There is no reason why he would not be able to do it for the year 2021 when the situation had become better. However, if any representation in this regard is pending before the University, the same can be considered in accordance with law (annexure P-2). As per instructions, there is no project paper involved in the subject Philosophy.

4. Learned Amicus relies on the written notes filed by him and submits as follows. During the Covid-19 pandemic period, the Hon'ble Apex Court in *Suo Motu* Writ Petition (Civil) No. 3 of 2020 passed certain directions in respect of period of limitation. The period between 15.03.2020 and 14.03.2021 was excluded from the consideration in calculating the period of limitation. However, this did not directly relate to education matters. However, the UGC also passed certain regulations regarding examinations, etc. to be held during Covid-19 pandemic period. Similar guidelines were

framed by the State Government as well. In fact, in compliance with the judgment of the Hon'ble Apex Court and based on the UGC Guidelines, the University of Burdwan also took a decision to conduct the examinations of 2020 and all pending examinations in blended mode. The external component of the said examination was to take place in a Blended Open Book Examination Mode with provision for accessing questions electronically and the like. In their Guidelines they made it clear that the same should be shared with the study centres with requests for wide publicity so that the students might take their examination with sound knowledge about the system, especially what they were supposed to do before and during and after the examination.

5. Therefore, it appears that the University was also conscious of the fact that the Covid-19 pandemic period or the period immediately succeeding the same required special consideration at least so far as necessary knowledge to be imparted to the candidates was concerned.

6. It does not appear that the requirement of wide publicity to such guidelines have been necessarily been fulfilled by the study centres.

7. In this context the specific contention of the petitioner is that he was unaware of the date on which the examination of 2021 was to be held.

8. In view of the above and in the interest of justice, let the petitioner make a comprehensive representation in this regard before the Vice-Chancellor of the respondent University within a fortnight from this date. In such event, the Vice-Chancellor is requested to decide on such

representation in accordance with law and expeditiously, preferably within six weeks from the receipt of such representation.

9. With these observations, the writ petition is disposed of.

10. Urgent photostat certified copy of this order, if applied for, be furnished to the parties expeditiously upon compliance of all legal formalities.

(Jay Sengupta, J)