

21.05.2024
Item No.14
Ct. No. 17
AKG

WPA 13286 of 2024
Murari Jha
-vs-
The State of West Bengal & Ors.

Ms. Malabika Roy Dey, Ms. Matangini Hazra	...for the petitioner
Mr. Swapan Kr. Datta, Mr. Dipankar Das Gupta	...for the State
Mr. Nilotpal Chatterjee Mr. Sourabh Sengupta	...for the University

The petitioner is a student of Mathematics (Hons.) at Acharya Jagadish Chandra Bose College, Kolkata. As of now, the petitioner has completed all semesters except the sixth, having failed to clear the paper on Point Set Topology (MTMA-DSE-B2.1) even on his second attempt.

The petitioner prays for an additional opportunity to pass this paper.

The petitioner submits that he has successfully cleared the UPSC Combined Defence Service Examination (CDS) and the Indian Air Force Officers' Examination. However, failure to complete all semesters of the Mathematics (Hons.) course will result in the loss of his opportunity to join the service.

The petitioner makes out a case that the first and second semester examinations of the course were

held in December 2018 and July 2019, respectively. However, the petitioner did not sit for these examinations. He attempted the first semester examination along with the third semester examination in December 2019 but was allowed to appear only for the first semester, which he passed. He subsequently cleared his third semester examination in March 2021. In December 2021, he attempted both the second and fourth semester examinations but the college could only upload the marks for the second semester due to issues with the university portal, thereby passing the second semester.

In March 2021, the petitioner again wrote the papers for the third and fifth semesters. The university portal only allowed the uploading of the third semester marks, resulting in his passing of the third semester in March 2021. In July 2021, he appeared for the fourth and sixth semester examinations together, but only the marks for the fourth semester were uploaded. Consequently, he passed the fourth semester. He completed the fifth semester in December 2021. In July 2022, he appeared for the sixth semester examination but failed two papers. In July 2023, he cleared one of

these papers but failed Point Set Topology (MTMA-DSE-B2.1) again on his second attempt.

Thus, the petitioner has exhausted five years without clearing the Point Set Topology (MTMA-DSE-B2.1) paper. The university has submitted that the entire course must be completed within five years, and therefore, the petitioner is not entitled to any further opportunity. The principal of the college, present before this Court, admits the petitioner's assertion that the university portal did not allow the uploading of marks for two semesters simultaneously. The university denies these allegations, arguing that the petitioner cannot raise such issues at this belated stage.

The relevant course design provides a student with at least three chances to clear a paper within five years. However, the petitioner has been given only two opportunities to clear the Point Set Topology (MTMA-DSE-B2.1) paper due to the five year time limit.

Given these circumstances, as admitted by the Principal of the college, the petitioner could have completed up to his fifth semester examination by March 2021 and availed at least three chances to clear his sixth semester papers. Without delving into

the factual controversies and keeping in mind the petitioner's bright future prospects, I am inclined to grant him one more opportunity to clear his remaining paper.

Accordingly, the university shall provide an additional opportunity for the petitioner to clear the sixth semester. The next semester examination is scheduled for July 2024. As a special case, the university shall permit the petitioner to attempt the Point Set Topology (MTMA-DSE-B2.1) paper in the upcoming semester examination in July 2024 or on any subsequent date.

WPA 13286 of 2024 is disposed of.

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.)