

20.05.2024
Item No.63
Ct. No. 17
AKG

WPA 14385 of 2024
Aditya Chatterjee
-vs-
St. Xavier's University & Ors.

Mr. Biswaroop Bhattacharya,
Mr. Srijib Chakraborty,
Mr. Rahul Karmakar,
Mr. Surya Prasad Chattopadhyay,
Mr. Tanmoy Mukherjee,
Mr. Partha Pratim Roy,
Mr. Aditya Mondal,
Mr. Kushal Chatterjee,
Mr. Mohan Lal Banerjee,
Ms. Gargi Goswami,
Mr. Saptarshi Kumar Mal,
Mr. Iftekar Munshi,
Mr. Debabrata Roy,
Mr. Asif Sohail Tarafdar,
Mr. Abir Lal Chatterjee,
Mr. Sounak Mukherjee,
Mr. Debrup Chowdhury,
Mr. Rishabh Ahmed Khan

...for the petitioner

Dr. Ram Niranjana Jhunjhunwala,
Mr. Ramesh Kumar Patodia,
Ms. Megha Agarwal,
Mr. Mohit Gupta

...for Respondent Nos. 1 to 6

The petitioner is a student of B.A. LLB. (Hons.)
course at Xavier Law School under St. Xavier's
University.

It is an admitted position that the petitioner
does not have the required attendance to appear in the
second semester examination. The attendance of the
petitioner has been worked out to be 63.22%. As per
the applicable regulation of the university, a student
requires to attend 75% classes. The shortage of

attendance is condonable if a student has a minimum of 65% attendance.

The university submits that despite being sympathetic to the petitioner, the shortage of attendance cannot be condoned by the university.

The university further submits that there are other students also who have not been allowed to take the second semester examinations of the course due to shortage of attendance.

Mr. Biswaroop Bhattacharya, learned advocate appearing for the petitioner on the other hand submits that the petitioner regularly plays cricket for the college team. He is also one of the selected players of the St. Xavier's University cricket team. In course of playing, the petitioner sustained ligament and ankle injury for which he could not attend the classes regularly. The petitioner, however, has attended the maximum possible classes despite his physical injuries.

The supplementary affidavit filed by the petitioner suggests that the petitioner's participation in cricket match for the college aggravated his ailments which compelled the petitioner to remain absent in the classes.

The second semester examinations have already commenced.

Having regard to the peculiar facts of the case, I direct the university/college to permit the petitioner to sit for the remaining papers of the second semester examinations for the academic session 2023-2024. The university will make an endeavour to issue the admit card in favour of the petitioner within 24 hours from date. In the event, the university cannot issue the admit card within 24 hours, it shall issue the same subsequently to regularise the participation of the petitioner in the second semester examinations.

The petitioner shall sit for the remaining papers of the second semester examinations along with the upcoming fourth semester examinations.

This order shall not create any precedence.

Accordingly, **WPA 14385 of 2024** is disposed of.

All parties are to act on the website copy of this order duly downloaded from the official website of this Court.

(Kausik Chanda, J.)