

23.04.2024
Item No. 1
Ct. No. 238
AKG

WPA 14202 of 2023
Dipayan Mistry
Vs.
The State of West Bengal & Ors.

Mr. Sayan Banerjee,
Ms. Suparna Dutta

...for the Petitioner

Mr. Gourav Das,
Mr. Debapriya Chatterjee

...for the State

Mr. Tapan Kr. Mukherjee,
Mr. Suman Dey

...for the Council

The petitioner is a student of Mechanical Engineering at Jnan Chandra Ghosh Polytechnic College, Kolkata. He got himself admitted during the academic year 2019-20.

From the affidavit filed by the Council, it appears that the petitioner passed 1st semester, 2nd semester and 3rd semester in December, 2019, August, 2020 and March, 2021, respectively. The petitioner, however, did not attend the classes for the 4th semester. The new syllabus for diploma in engineering was implemented and introduced during the academic session 2020-2021. Giving the benefit of the Transitory Rule as provided in Clause 35.1 of the Examination Regulations, the petitioner was promoted to 5th semester though he did not appear in the 4th semester examination.

The affidavit discloses that the petitioner applied for appearing in the 5th semester examination held in March, 2022, and upon payment of the requisite fees, the admit card was issued by the Council considering the Transitory Rule of the Examination Regulations. The petitioner, however, did not appear in the 5th semester examination. The affidavit of the Council also discloses that it afforded adequate opportunities to the students of old syllabus to clear their 6th semester examination as well as the back paper (s) of previous semesters. But the petitioner did not appear in any of the said examinations to clear his due semester examinations. Subsequently again a special examination for the students of old syllabus was conducted but the petitioner did not appear in the said examination as well.

The affidavit further discloses the fact that 55 students under the old syllabus of Mechanical Engineering Department of Jnan Chandra Ghosh Polytechnic College appeared in their 6th semester examination in July, 2022 and all passed their Diploma, though the petitioner did not appear in the said examination.

In the facts of the case, I accept the stand of the council that there is no scope in the Examination Regulations to continue more than one syllabus for

different sets of students and there is no scope to accommodate the petitioner for continuation of his diploma course.

In the aforesaid peculiar facts of the case, I permit the petitioner to take admission in the Jnan Chandra Ghosh Polytechnic College as a first-year student in the Mechanical Engineering under the new syllabus. If the petitioner takes such admission, he shall be allowed to continue with the new syllabus in accordance with the applicable regulations.

Accordingly, **WPA 14202 of 2023** 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.)