

IN THE HIGH COURT AT CALCUTTA**Constitutional Writ Jurisdiction****Before:****The Hon'ble Mr. Justice Jay Sengupta****WPA 18202 of 2024****Souparna Dey****Vs.****The State of West Bengal & Ors.**

For the Petitioner

: Mr. Sayan De

: Mr. Sayan Kanjilal

For the State

: Mr. Swapan Kumar Dutta

Mr. Rajat Dutta

For the respondent nos. 3 to 6

: Mr. Parthasarathi Sengupta

Mr. R.N. Jhunjhunwala

Mr. Ramesh Kumar Patodia

Mr. Debduitta Sen

Ms. Megha Agarwal

Mr. Mohit Gupta

Heard lastly on

: 18.07.2024

Judgement on

: 05.08.2024

Jay Sengupta, J. :

This is an application for direction upon the respondent University to promote the petitioner to the next semester and to permit him to continue with his classes.

Mr. De, learned counsel appearing on behalf of the petitioner submits that the petitioner is a student of BA, LLB at the St. Xaviers University. A student is required to attend 75% of the classes. The attendance percentage for the course of law can be relaxed up to 65%. Due to unavoidable circumstances including medical reason, the petitioner could not attend some classes. Incidentally, he had to undergo a dental surgery. However, the petitioner could attend about 57% of the classes. In some other cases, this Court has permitted candidates having inadequate percentage to continue classes.

Mr. Sengupta, learned senior counsel representing the University submits that the University is bound by its Rules and can relax the same only in exceptional circumstances.

The State is represented.

It is true that a University and other educational institutions are bound by relevant Rules that they make and the students should also abide by the same.

However, the prime purpose of having such Rules ought to be to inculcate discipline in a student and not to use it as a means of punishment. Moreover, one has to make a distinction between serious acts like commission of an offence or indiscipline involving moral turpitude or even cheating during examinations and not so grave indiscretions as of attending lesser number of classes. In such event, it

will be for the University to be guided by their concern for the students and other relevant factors.

Incidentally, the other cases referred to by the petitioner stand on diverse facts.

In view of the above, as the attendance percentage of the present petitioner is somewhat less than the amount upto which the relaxation can usually be made, the writ petition is disposed of with an expectation that the University shall be guided by relevant factors in coming to a decision whether to promote the petitioner to the next semester, permit him to continue his classes and allow him to sit for the pending examinations or not. It is requested that either the Vice Chancellor or the Registrar of the University would decide the issue as expeditiously as possible.

With these observations, this writ petition is disposed of.

Urgent photostat certified copy of the order, if applied for, be given to the parties on usual undertakings.

(Jay Sengupta, J.)