

WPA 19532 of 2024

Mr. Tridiv Paul
Vs.
St. Xaviers University & Ors.

Mr. Ritzu Ghoshal
Mr. Aneek Pandit
Mr. Atish Majumdar
Ms. Sonakshi Mitra
Mr. Ali Rizvi
Ms. Tanistha Jain
Mr. Avijit Kundu

...for the petitioner

Mr. Partha Sarathi Sengupta, Sr. Adv.
Mr. R.N. Jhunhunwala
Mr. Debdatta Sen
Mr. Ramesh Patodia
Ms. L. Dasgupta
Ms. Megha Agarwal
Mr. Mohit Gupta

... for the respondent No. 1

Mr. Anil Kumar Gupta

... for the UGC

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner is a student of sixth semester for the course of B.Com LL.B (Hons.) at the St. Xaviers University. In November 2023 while he was participating in certain games, a cyst in his kidney was ruptured. He suffered seriously for the coming few days and had to be medically treated. As a fallout of such incident he is still having to be treated medically at hospital. In the period between January and March, 2024 he suffered from effects of such earlier injury and also from diminished hemoglobin in blood. Thus, he could not attend few classes. This was preceded by his father's ailments for which he had to devote sometime. Still, the petitioner managed to attend 60.9 % of the classes. A student for the law course is

supposed to attend 75% of the classes, which can be relaxed up to 65%. The college authorities assured verbally that his case would be considered on compassionate ground, but the same has not been done. He is unable to attend classes.

Learned senior counsel representing the University denies the allegations made in the writ petition and submits as follows. As would appear from the medical prescriptions, the infirmity suffered by the petitioner was for an earlier period. Missed classes, if any had been considered for such earlier period. Sufficient reason has not been shown for missing classes in the sixth semester. The University has to abide by certain rules laid down by them. In fact, in the subsequent medical reports it has been mentioned by the concerned doctor that the petitioner was ready for normal activities.

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

However, the prime purpose of having such rules ought to be to inculcate discipline in a student and not use it as a means of punishment. Thus, decision making in this regard needs to be made by the

respondent-University upon being guided by their concern for the students and other relevant factors.

In the instant case the petitioner did suffer from serious medical condition for some time and it is quite possible that even for a later period the effects would have persisted.

Be that as it may, the petitioner shall be at liberty to make a comprehensive representation in this regard before the office of the Vice-chancellor of the University within a week from this date.

The Vice-Chancellor of the University is requested to consider such prayer in accordance with law and as expeditiously as possible.

With these observations, the writ petition being WPA 19532 of 2024 is disposed of.

Urgent Photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J)