

23.02.2024

Item No. 1

Ct. No. 238

AKG

WPA 23578 of 2023
Sk. Tausif Jamal
Vs.
The State of West Bengal & Ors.

Mr. Samiran Mandal,
Mr. Ahinaba Dan,
Ms. Ankita Mukherjee

...for the Petitioner

Mr. Nilotpall Chatterjee,
Mr. Sourabh Sengupta

...for University

Mr. Subhrangsu Panda,
Ms. Mithu Singha Mahapatra

...for the College

Mr. Gourav Das,
Mr. D. Chatterjee

...for the State

The petitioner enrolled himself for B.A. Honours (English) course at Shyama Prasad College, Kolkata in the year 2018. The petitioner cleared his first and second semesters in the year 2019 and 2020, respectively. During the pandemic situation, the university adopted online mode to conduct examination. Though the petitioner took the tutorial supplementary examination of CC5, CC6 and CC7, his marks of the said papers were not included in the marksheet issued by the university.

The affidavit filed by the relevant college suggests that marks for the said three subjects were sent to the university. The university also does not dispute such facts.

In course of hearing of this case, it has further surfaced that the petitioner was required to clear G3 paper of semester 3 as his compulsory paper. The petitioner did not appear in the said examination. The petitioner also did not appear to clear his G4 paper of semester 4, which was again, a compulsory paper.

Though there is a confusion as to why the admit cards for G3 and G4 papers were not issued by the university in favour of the petitioner, the petitioner and the college appear to be equally negligent.

However, in the aforesaid facts, only to protect the academic interest of the petitioner, this Court feels that as a special case, the outer limit of five years to clear all the semesters should be relaxed for the petitioner by giving him only one chance to clear G3 and G4 papers of the 3rd semester and the 4th semester, respectively.

Accordingly, this writ petition is disposed of with a direction upon the university to incorporate the marks provided by the college for CC5, CC6 & CC7 of 3rd semesters and issue a fresh marksheet to the petitioner. The university will also allow the petitioner to clear his G3 & G4 papers of the 3rd semester and the 4th semester, respectively, by giving him only one chance at the first available opportunity.

Accordingly, **WPA 23578 of 2023** is disposed of.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)