

IN THE HIGH COURT AT CALCUTTA  
CONSTITUTIONAL WRIT JURISDICTION  
APPELLATE SIDE

14. 11. 2024

BP  
Supply 1  
Court No. 14

**WPA 27413 of 2024**

**Megha Ojha**  
**Vs.**  
**St. Xaviers' University, Kolkata & Ors.**

Mr. Mrityunjoy Chatterjee.  
Mr. Manas Das.  
Mr. Debapriya Majumdar.  
..for the petitioner

1. Affidavit of service filed in Court today is taken on record.
2. The petitioner is a student of B.A. LL.B (Hons), 5<sup>th</sup> Semester in the Xaviers' Law School.
3. Due to shortfall in the percentage of her attendance, she has been debarred from sitting in her 5<sup>th</sup> semester examination scheduled on and from 18<sup>th</sup> November, 2024.
4. It has been submitted that as the petitioner was unwell, she could not attend all the classes. She, however, attended the additional classes held and the attendance of the additional classes was not counted at the time of taking a decision with regard to her percentage of attendance.
5. According to the students' attendance view as on 12<sup>th</sup> November, 2024, the aggregate attendance of the petitioner, excluding the additional classes, is

52.10 per cent. To appear in the examination, a candidate requires attendance of 75%.

6. An undertaking form signed by the petitioner is annexed to the writ petition mentioning that if she fails to secure minimum 75% attendance in aggregate and minimum 65% attendance in each paper/subject, she shall be debarred from appearing in the end semester examination and will not be promoted to the next semester.
7. The writ petition was mentioned in the first sitting of the Court for taking up the same on urgent basis. As per the direction of the Court, copy of the writ petition was served upon the respondent authorities.
8. None appeared on behalf of the respondents at the time of call.
9. As it appears that the examination is scheduled from Monday (18.11.2024) and there is hardly any time left for a fresh hearing in the instant writ petition, accordingly, the instant writ petition is disposed of by directing the Dean of the Xaviers' Law School, being the respondent no. 3 herein, to ascertain as to whether the petitioner will attain the required percentage of attendance if her additional classes in which she attended is taken into consideration.

10.If it appears that on adding additional classes which the petitioner attended, she is able to qualify the required percentage of attendance then, she may be permitted to appear in the 5<sup>th</sup> semester examination.

11.It is made clear that if the petitioner fails to attain the required percentage despite addition of the additional classes, she will not be permitted to take the examination.

12.A decision shall be taken in the matter at the earliest but positively prior to the commencement of the examination.

13.Learned advocate for the petitioner is directed to forward a copy of the representation made by the petition and all documents in support of her prayer to the aforesaid respondent at the time of communicating the order of the Court.

14.The writ petition stands disposed of.

15.All parties are directed to act on the basis of the server copy of this order available in the official website of this Court.

16.Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

**(Amrita Sinha, J. )**

