

Sl. No.1
26.12.2024
Ct. 6
Bd, sg

WPA 30771 of 2024

Chowdhury Jahirul Islam
Vs.
The State of West Bengal & Ors.

Mr. Firduous Samim
Ms. Swati Dey
Mr. Rishabh A. Khan
..for the petitioner.

Mr. Jyoti Prakash Chatterjee
Mr. Saikat Dey
...for University of Burdwan.

- (1) This matter appears in the supplementary list, on the strength of notification dated 16th December, 2024, as Hon'ble Co-ordinate Bench has released this matter on personal ground.
- (2) Accordingly, this matter has been appeared in the list at the motion stage on the prayer of the learned advocate for the petitioner.
- (3) Mr. Firduous Samim Learned Advocate for the petitioner is present and submits that the petitioner is an aspirant of "LL.B (Honours) of studies for the academic session 2024-2026" course in the University of Burdwan. He submitted his application form for admission in said course in response of the advertisement of University of Burdwan published on its official website on 23rd August, 2024. University has issued admit card in his name and sent the same

to him on his E-mail on 13th August, 2024. The last date for submission of application form was extended till 10th September, 2024 vide notification dated 6th September, 2024. He secured 500th position in the combined merit list but failed to appear in first phase of counseling for admission to three years LL.B (Honours) course of studies for the session 2024- 2026, scheduled on 28th November, 2024, due to his illness. Now he intends to appear in the second phase of the counseling for the said admission in the said course scheduled on 3rd January, 2025. But he could not appear due to condition imposed herein that “the candidates who were absent on the date of phase-I counseling and/or who did not complete admission procedure after getting selected provisionally for admission to any centre of study will not be entertained in the phase –II counseling.”

- (4) Mr. Jyoti Prakash Chatterjee, Learned Counsel for the University submits that University has disclosed the mode of selection for admission in paragraph Nos. 12, 13 and 14 of the advertisement dated 23rd August, 2024, and the same is uploaded on its official website for general information to the concerned persons. He also refers paragraph no.12 at Page – 40 of the writ petition, i.e. “Instruction for counseling (Phase-I) for admission to three years

LL.B Honours course of studies in the academic session 2024-2026 dated 28th November, 2024” wherein it has been stated that **“in case a candidate is unable to attend the counseling, he/she should send his/her authroised representative for the session. If any candidate or his/her authorized representative fails to turn up on the date and time of counseling, he/she will not be considered for admission at the later stage.”**

- (5) He submits that every information is available on the website and there is no question as to non-communication of information to the candidate.
- (6) He also refers his medical certificate of the petitioner available at page 42 of the writ petition and submits that he was suffering from high fever for two days i.e. that is on 26th November, 2024 and 27th November, 2024 while the date of counseling was fixed on 28th November, 2024. He could not reappear on 28th November, 2024 but he did not.
- (7) He also submits that granting permission for reconsideration of his candidature, the flood gate will open, which will certainly cause inconvenience to University administration.
- (8) However, petitioner made a representation before the University authority on 21st December, 2024

through E mail to consider his candidature in the second phase of counseling, is pending for consideration.

(9) In view of the above, I am convinced to direct the respondent to consider on the representation of the petitioner dated 21st December, 2024 and take decision as per their existing law and prevailing rule/rules.

(10) Accordingly, WPA 30771 of 2024 is disposed of.

(11) Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

(Uday Kumar, J.)