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ORDER SHEET
WPO/30/2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SRISHTI KUMARI
VS
THE UNIVERSITY OF CALCUTTA AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date: 24th January, 2024.

Appearance:
Dr. Chapales Bandyopadhyay, Adv.
Ms. Gargy Basu, Adv.
Ms. Anandamayee Dutta, Adv.
...for the petitioner

Mr. Nilotpal Chatterjee, Adv.
Mr. Sourabh Sengupta, Adv.
...for the Calcutta University

Ms. Atmaja Bandyopadhyay, Adv.
Mr. Deb Kumar Sen, Adv.
...for the respondent nos. 8 and 9

The Court: The petitioner has approached this Court with a grievance that the university has declined registration in her favour to pursue B.A., LL.B. course at Heritage Law College, Kolkata.

Mr. Chatterjee, learned advocate representing the university submits that the admission of the petitioner at the relevant college was beyond the last date of admission, that is, September 28, 2022 as mentioned in the notification dated September 8, 2022, issued by the Department of Higher Education, West Bengal.

It appears that the petitioner took admission in the relevant college on October 18, 2022. However, it is an admitted fact that the petitioner has been allowed to participate in two semesters of the course. At this juncture, denial of registration will be unjust on the ground of belated admission. It is also important to mention that the last paragraph of the aforesaid notification dated September 8, 2022 clarifies that it is an “advisory” issued in exercise of powers conferred by Section 18 of the West Bengal Universities and Colleges (Administration & Regulations) Act, 2017.

A Division Bench of this Court by an order dated November 24, 2023 in MAT 2283 of 2023 (The State of West Bengal & Ors. vs. Jagannath Chattopadhyay) while dealing with an advisory issued by the State observed as follows:

“3. Admittedly, the application has been made at least 23 days before the proposed programme. Advisory is not a statute as the name suggested. It is an advisory to the applicant, who seeks for permission to conduct a procession/rally/meeting etc. A format has been prescribed for applying for such permission. It contains certain conditions. After going through the advisory, we find that the advisory cannot be taken as a rigid rule and in any event, the time limit of 02 to 03 weeks would itself suggest that there is discretion vested with the authorities and this time limit, obviously, is for the purpose of processing an application and cannot be used as a ground for rejection of an application.”

In view of the above, as a special case, the petitioner should be allowed to register herself under the university.

Accordingly, the university is directed to grant registration in favour of the petitioner within ten days from date so as to enable her to participate in the upcoming semester examinations.

Accordingly, WPO/30/2024 is disposed of.

(KAUSIK CHANDA, J.)