

04.03.2025
Item No. 01
AN/Ct. No. 15

**WPA 207 of 2024
(CAN 1 of 2024)**

**Munagala Purandhara Chandra Haas
vs.
Union of India ors.**

Mr. Indranil Nandi
Mr. Sayak Konar

... for the petitioner

Mr. D. N. Ray, ld. Sr. Adv.
Mr. Bhaskar Mukherjee
Mr. D. Dutta

... for respondents IIM

Mr. Ray, learned Senior Advocate appearing on behalf of the Institute has raised the maintainability issue of this application. He submits that the prayer made in this writ petition is completely outside the scope of the order dated 07.02.2024 which disposed of this writ petition finally.

The writ petitioner is a student of Master of Business Administration at Indian Institute of Management, Joka (the Institute, in short). By filing this writ petition, the petitioner challenged a punishment order dated 24.11.2023. The punishment was imposed upon the petitioner on the allegation that while writing the “End Term Examination Strategic Brand Management” paper of the 4th Semester examination, the petitioner was caught with a mobile phone set by the invigilator.

This writ petition was disposed of with the following orders:

“In that view of the matter, the communication dated 24th November, 2023, is set aside.

It has been submitted by the Institute that the petitioner has written two papers of fifth semester examination, out of total five papers. The institute shall conduct a separate examination for the remaining three papers within one month from the date. Thereafter, the Institute shall evaluate all papers of the fifth semester examination and publish the result within a fortnight thereafter.

It is not acceptable to this Court, as suggested by the petitioner, to allow him to take the sixth semester examination without attending the classes or by accommodating him in any other courses offered by the Institute.

The petitioner should not be allowed to appear in the sixth semester examination without attending the required number of regular classes of the relevant course.

This Court has been informed that the earliest available sixth semester will commence from December, 2024 and end in the month of February/March, 2025. The Institute shall allow the petitioner to attend the classes of the said semester. After duly attending the classes, he will be allowed to appear in the upcoming sixth semester examination subject to clearance of his fifth semester examination. The Institute shall charge the fees from the petitioner as applicable to the academic year 2023-2024. The institute shall accommodate the petitioner at the hostel to enable him to clear his fifth semester examination and sixth semester examination subject to payment of required fees.

It has been assured by the Institute that all possible cooperation shall be rendered to the petitioner to provide him a

proper placement after the successful completion of the course.

With the above observations and directions, WPA 207 of 2024 stands allowed.”

By filing this application, the writ petitioner submits that he has been permitted by the College to write the remaining papers of the 5th Semester and all papers of the 6th Semester by the Institute. The “End Term Examination Strategic Brand Management” Paper, however, has not evaluated by the institute and the petitioner has been given ‘F’ in the said paper which indicates fail in the subject.

Mr. Nandi, learned counsel appearing for the petitioner submits that when this Court has set aside the punishment imposed upon the petitioner, the institute ought to have evaluated the said paper.

Mr. Ray, however, submits that since the petitioner indulged in malpractice in writing the “End Term Examination Strategic Brand Management” paper, the institute has not evaluated the said paper and there is no provision also for review under the Examination Rules of the institute.

Mr. Ray draws attention of this Court to Regulation 18 of the Rules & Regulations for M.B.A. Students which provides for make up examination/re-examination. He further submits that such provision is applicable for a student who has failed in a particular paper, but it does

not apply to a student who has been punished for malpractice in an examination.

There may be some substance in the argument of Mr. Ray, however, keeping in mind the peculiar facts of the case as recorded in the order dated 07.02.2024, as a special case, this Court directs the Institute to allow the petitioner to take a re-examination in respect of the “End Term Examination Strategic Brand Management” paper as early as possible. I make it clear that this order shall not create any precedence.

Accordingly, CAN 1 of 2024 stands **disposed of**.

(Kausik Chanda, J.)