

Item-
16.

03-04-2025

FMA 402 of 2025
CAN 1 of 2025

sg

Ct. 8

Sreejib Dey
Vs.
The Vice Chancellor,
West Bengal University of Health Science & Ors.

Mr. Gaurav Purkayastha

... for the appellant

Mr. Aditya Chakraborty

...for the respondent nos.4-6

Mr. D.N. Maiti

Mr. A. Santra

...for WBUHS

1. The appeal is arising out of an order dated 12th February, 2025 passed in a writ petition in which the appellant has prayed for a direction upon the respondents to enable the writ petitioner to participate in the Second Professional MBBS Examinations to be held in January 2025 under the New Regulation, which was to commence from 6th January, 2025 and also allow him to participate in all activities as indicated in the writ petition.
2. The learned Single Judge dismissed the writ petition on the ground that although there is a provision for supplementary examination, however, the National Medical Commission Guidelines are clear that for appearing in University Examination, the student should have minimum 75% attendance in each subject and, therefore, the purpose of providing for such supplementary examination was something else.

3. The learned Single Judge was of the view that in a situation where for some reason notwithstanding the students having minimum 75% attendance was for unavoidable reason, could not sit for the examination on a particular day, the same student may avail supplementary examination. In other words, the learned Single Judge was of the view that the provision of supplementary examination could not be availed for the situation under consideration.
4. The learned Counsel for the petitioner submits that the appellant had a brilliant academic record and his attendance was also above 80%. It was by reason of the fallen health of his father that he could not attend the classes regularly and the deficit had occurred because of such unforeseen and unavoidable circumstances.
5. The learned Counsel for the University has submitted that the appellant has a bright future. He was diligent and had performed well. His attendance was almost 86%.
6. The College Authorities have assured in the event the appellant is allowed to sit for the supplementary examination, the College Authorities shall ensure extra class after the regular class was over in order to cover up of deficiencies in attendance and other deficiencies so as to enable the writ petitioner to sit for the supplementary examination.
7. In view of the above stand of the College, we allow the petitioner to participate in the Second Professional MBBS Examinations January, 2025 (New Regulations).

The petitioner shall also be allowed to attend normal classes for the 3rd Professional MBBS, Part-I.

8. This order is passed in view of the peculiar facts and circumstances of the case.
9. With above direction, the appeal and the application are accordingly, disposed of.
10. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Smita Das De, J.)