

23.04.2025
(D/L 21)
Ct.-17
(Susanta
Samar)

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION**

APPELLATE SIDE

W.P.A. 8640 of 2025

Divyadeep Mandal

-Vs-

The Vice Chancellor, West Bengal
University of Health Sciences & Ors.

Mr. Gaurav Purkaystha,
.... For the Petitioner.

Mr. D. N. Maiti,
Mr. A. Santra,
.... For the Respondent Nos. 1-3.

Mr. Aditya Chakraborty,
.... For the Respondent Nos. 4-6.

The petitioner is pursuing his Bachelor of Medicine, Bachelor of Surgery (MBBS) at Santiniketan Medical College.

The petitioner in the year 2023 had sustained severe injuries in a road accident; consequently, could not attend his regular classes during Phase – 1 (Semester 1 & 2), i.e. First Professional MBBS which resulted shortfall in his attendance. He however covered the said shortfall by attending extra classes and had cleared the said phase through supplementary examination.

In the Phase – 2 (Semester 3 & 4), i.e. Second Professional MBBS of the said course, there is also a shortfall in attendance of the petitioner as his treatment was going on.

The petitioner now has recovered and is praying that the college authorities be directed to arrange for extra classes enabling him to take up supplementary examinations for the said Phase and simultaneously, he may also be permitted to take up the regular classes for

Third Professional MBBS Part – I (Semester 5 & 6) (hereinafter referred to as “Part – I of Phase – 3” in short) of Phase – 3 of the said course.

Learned advocate for the college submits that the college has already arranged for such extra classes. The petitioner is brilliant student; as such, the college shall provide him with the opportunity of taking up the said extra classes to cover the shortfall in his attendance and to take up the supplementary examinations for the said Phase – 2. The petitioner, if is fit enough to take extra load, the college would also permit him to attend the classes for Part – I of Phase –3.

Learned advocate for the West Bengal University of Health Sciences submits that the classes for Part I have already started; therefore, it would not be possible for the petitioner to catch up with it.

Learned advocate for the college submits that the petitioner has to clear the Phase – 2 of the said Course but if he is not allowed to take up the Classes of Part – I of Phase – 3, there would be a shortfall in his attendance for the said Part – I.

Heard learned advocate(s) for the parties, perused the materials-on-record.

The petitioner had a *bona fide* ground for not attending his regular classes. The College is inclined to provide him with a scope to make good of his shortfall in attendance and if the present physical condition of the petitioner permits him to take up the classes of Part – I of Phase – 3 simultaneously with the said extra classes of Phase – 2, he can avoid facing shortfall in his attendance for Part – I of Phase – 3 of the said course.

The College therefore is directed to provide extra classes to the petitioner for **Phase – 2 (Semester 3 & 4)**, i.e. **Second Professional MBBS** of the said Course and permit him to attend the regular classes of the **Third Professional MBBS Part – I (Semester 5 & 6)** of **Phase – 3** of the said Course.

W.P.A. 8640 of 2025 is disposed of with the above terms without any order as to costs.

Since no affidavit has been invited, the allegations made in the writ petition are deemed to have been denied by the respondents.

Parties to act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)