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14.7.2025
Ct. No. 8
SB

MAT 897 of 2016
CAN 1 of 2016 (Old No. CAN 6226/2016)

Chayanika Bhattacharya
Vs.
University of Calcutta & Ors.

Mr. Debasish Kundu
Mr. J. Prosad Roy ... for the appellants.

Mr. Nilotpal Chatterjee
Mr. Satyaki Banerjee ... for the Calcutta University

Mr. Anil Kr. Gupta ... for the U.G.C.

1. The writ petitioner was admitted to the B.Ed Course in respondent no. 6 i.e. Kavikulaguru Kalidas Sanskrit Viswas Vidyalaya, Rantak. He completed his M.A. in Sanskrit in the said University in the Month of December, 2014 and thereafter was admitted to the B.Ed Course in respondent no. 4. The respondent no. 4 is affiliated to the University of Calcutta.
2. The problem arose with regard to the issuance of the admit card in favour of the writ petitioner during the first semester examination scheduled to be held in the month of December 2014. Although, he participated in the said examination but the result was withheld by the University on the ground that the Degree in M.A. in Sanskrit from the University of Maharastra cannot be considered for B.Ed Programme under Calcutta University in view of reasons concerning territorial jurisdiction of the Institute. The issue with regard to territorial jurisdiction has been conclusively held in **Prof. Yashpal and another vs. State of Chhattisgarh and others** reported in **All India Reporter 2005 SCC 2026** and followed in a

subsequent decision in ***Annamalai University vs. Secretary to Government, Information and Tourism Department & Others*** reported in ***2009 Volume 4 SCC page 590***.

3. It is cleared from the record that respondent no. 6, was located at Maharastra and it did not have the relevant sanction from the appropriate State Government to undertake off campus distance education course in M.A. Sanskrit under the provisions of Kavikulaguru Kalidas Sanskrit Viswas Vidyalaya, Rantak (University Act, 1997).
4. The contention of the petitioner is that a subsequent sanction could validate the degree issued by the respondent no. 6 through the respondent no. 5 was also held to be not permissible in view of the decision of the hon'ble Supreme Court in ***National Council for Teacher Education & Anr. v. Venus Public Education Society & Others*** reported in ***All India Reporter 2013 SCC page 941*** and ***Mahatma Gandhi University & Anr. v. Gis Jose & Ors.*** reported in ***2008 Volume 17 SCC page 611***.
5. Learned counsel appearing on behalf of the appellant has strenuously argued that he was a victim of circumstances as the clarification of U.G.C. with regard to territorial jurisdiction has been clarified by the U.G.C. on 24.1.2014 and hence, the benefit of the degree obtained under the distance education course from the Maharastra University may be considered valid for the purpose of his B.Ed Examination.
6. Learned counsel appearing on behalf of the petitioner has placed reliance on a judgement of a co-ordinate Bench in which one of us (Soumen Sen, J.) in MAT 1499 of 2016 [Sumanta Majumder vs. The State of West Bengal & Ors.)

decided on 22.9.2023. In the instant case the academic qualification of the petitioner was completed on July 20, 2014. It appears that the decision with regard to the distance education course was conclusively decided on 10.3.2010 i.e. after the petitioner had joined the said course.

7. In view thereof, we are not inclined to entertain the writ petition.
8. The appeal and the application fail and accordingly dismissed.
9. There shall be no order as to costs.

(Soumen Sen, J.)

(Smita Das De, J)