

S/L 7
18.08.2025
Court No.17
SD

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA 17574 of 2025

Goutam Kumar Saha

Vs.

The State of West Bengal & Ors.

Mr. Firdous Samim

Mr. Hasanuz Zaman Molla

... for the Petitioner.

Mr. Swapan Kumar Dutta, Ld. AGP

Mr. Rajat Dutta

... for the State.

Mr. Nilanjan Bhattacharjee, Sr. Adv.

Mr. Saikat Dey

... for the University.

Affidavit of service filed on behalf of the petitioner be kept with the record.

The petitioner was a Scientist in the Centre for Development of Advanced Computing (C-DAC), ER & DCI, DRDO, Bangalore. The petitioner, on August 22, 2004 got himself registered with the University of Burdwan for the D.Sc. degree in Computer Science.

The Executive Council of the University, in terms of Ord. 34 (Doct.) of The Appointment and Terms and Conditions of Service of Teachers of The Burdwan University Ordinances, 1984 (hereinafter referred to as 'the said Ordinance of 1984' in short) and on the recommendation of the Board of Research Studies, had constituted a Board of Examiners consisting of three experts.

The petitioner, on August 22, 2006, had submitted his thesis paper before the said Board of Examiners for the first time but on the basis of it, the degree was not awarded to the petitioner as one of the members of the said Board of Examiners had recommended revision of the said thesis.

The petitioner thereafter upon revision, had re-submitted the thesis but the degree was not awarded to him on the basis of the said re-submitted thesis also. The Executive Council on March 27, 2019 had communicated its such decision to the petitioner. The petitioner is challenging the said decision of the Executive Council.

Mr. Samim, learned advocate for the petitioner submits that one of the members of the Board of Examiners had suggested some cosmetic changes in the thesis submitted by the petitioner for the first time. The petitioner, thereafter, in terms of the Ord. 35 (Doct.) (2)(iv) of the said Ordinance of 1984 had re-submitted the thesis which cannot be rejected on merit inasmuch as under the

aforementioned provision, the thesis can be directed to be re-submitted *only* when there is any defect in form of such thesis.

Mr. Nilanjan Bhattacharjee, learned senior advocate for the University submits that awarding of the degree on the basis of the revised thesis is subject to satisfaction of all the examiners, one of the examiners since is not satisfied with the thesis, the Executive Council cannot award the degree.

Heard learned counsel for the parties, perused the materials-on-record.

The Ord. 35 (Doct.) (2)(iv) of the said Ordinance of 1984 does not suggest only revision in the form of re-submitted thesis, it requires satisfaction of all the members of the Board of Examiners. In the present case, the petitioner's thesis was first recommended for revision and on resubmission, one of the three examiners recommended the same for minor corrections, second examiner recommended awarding of degree whereas the third examiner did not.

Therefore, the Executive Council of the University has not acted in violation of the relevant provisions of the said Ordinance of 1984 in refusing to award D.Sc. degree in Computer Science to the petitioner; therefore said decision does not call for any interference.

WPA 17574 of 2025 is disposed of with the above observations without any order as to costs.

This order however will not prevent the petitioner from registering himself again with the University for such degree.

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 of all requisite formalities.

(Biswajit Basu, J.)