

11.12.2025
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MAT 1284 of 2014
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IA No.: CAN 1 of 2014 [Old No.: CAN 7266 of 2014]

Md. Mijanur Hossain
- *Versus* -
The University of Calcutta & Others

Mr. Imtiaz Ahmed,
Mr. Musharraf Alam Sk.,
Mr. Syed Nazmul Hossain,
Ms. Ghazala Firdaus,
Mr. S. Saidullah,
Mr. Mithun Mondal,
Mr. Md. Arsalan
... for the Appellant.

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

The present appeal has been preferred by the writ petitioner/the appellant herein, namely, Md. Mijanur Hossain (in short, Mijanur) challenging the order dated 28th April, 2014 passed by the learned single Judge in a writ petition, being W.P. No.10155 (W) of 2014.

Records reveal that Mijanur took admission in the Bachelor of Arts with Honours in English under the University of Calcutta. He duly passed his Part-I and Part-II examinations in the Honours Examination, 2012 (under New Regulations, 1+1+1 System). Thereafter, he participated in the Part-III

examination which commenced in the month of July, 2012. The examination of paper-V was scheduled on 6th July, 2012. Inadvertently, he carried his cell phone in his pocket while appearing in the said examination of paper-V and in view thereof, he was reported against and the issue was placed before the sub-committee constituted by the Board of Discipline (hereinafter referred to as the said Committee) and a decision was taken for cancellation of his examination in the said paper – V. Aggrieved thereby, Mijanur preferred the writ petition.

Mr. Ahmed, learned advocate appearing for Mijanur submits that the learned single Judge passed the order without appreciating that Mijanur carried his cell phone in the examination centre inadvertently in the midst of extreme hurriedness and tension. For such act of inadvertence Mijanur had been penalized and his entire career had been ruined.

He contends that without disclosing any reason the learned single Judge made an observation that *‘so far the cancellation of the examination where some allegations were there in 5th paper, I am not inclined to interfere with the matter.’* The said order

thus being a cryptic is one is not sustainable in law.

Mr. Chatterjee, learned advocate appearing for the University of Calcutta, however, denies and disputes the contention of Mr. Ahmed and submits that the said Committee upon perusing all records and granting an opportunity of hearing to Mijanur, passed an order towards cancellation of Mijanur's examination in paper-V. In course of hearing before the said Committee, Mijanur himself admitted the charge of possession of mobile phone. In the said conspectus, the learned single Judge rightly refused to interfere with such decision of the said committee.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Without interfering with the cancellation of examination of paper-V, the learned single Judge by the order impugned directed the college authority to allow Mijanur to fill up the form of the examination, 2014 and send the same to the University and the Controller of Examination was also directed to issue admit card of 2014 examination in favour of Mijanur. However,

Mijanur chose not to appear in the said examination.

Records further reveal that Mijanur himself admitted before the said committee that he was carrying a mobile phone at the time of said examination. The order impugned was passed on 28th April, 2014 and at this stage after about 12 years no interference is called for in the present appeal.

Accordingly, the appeal and the application for stay are dismissed.

There shall, however, be no order as to costs.

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

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)