

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 31016 of 2024

Sreejib Dey

versus

**The Vice Chancellor, West Bengal University of Health
Sciences and others**

For the petitioner

Mr. Gaurav Purkayastha

For the respondent Nos.1-3

Mr. D.N. Maiti
Mr. A. Santra

For the respondent Nos.4-6

Mr. Aditya Chakraborty

Heard on

12.02.2025

Judgment on

12.02.2025

JAY SENGUPTA, J:

This is an application praying for direction upon the respondents to enable the petitioner to participate in the Second Professional MBBS Examinations January, 2025 (New Regulation) which is to commence from January 06, 2025 and participate in all activities as indicated and alternatively, to sit in the supplementary examination as provided in the Regulations.

Learned counsel for the petitioner submits that the petitioner could not attend the stipulated minimum number of classes because of extreme exigency. First, the petitioner's father was suffering from cancer and being the male attendant available in the family, he had to have his father for his treatment. That is why the petitioner could attend about 32% of the classes, as per the University authorities. There is a provision for taking supplementary examinations if the college could take the requisite number of deficit classes. In the meantime, the petitioner need not waste a year.

Learned counsel for the respondent College submits that the College would be able to take classes to compensate for the deficit attendance.

Learned counsel for the University denies the allegations and submits as follows. The requirement to attend theoretical classes is 75% and it is 80% for the practicals in each of the

subjects. In the instant case, the petitioner was able to attend only 32% of the entire classes. Adherence to attendance norms is only to maintain discipline, but also so that the petitioner is able to learn the subject by attending those classes. It is necessary that the petitioner takes the deficit classes in the next year and sit for the examinations after completing the attendance formalities. After all, it is clearly stated that for appearing in the examination the student should have a minimum number of attendance.

It is true that the petitioner had serious issues in the family and was compelled to accompany his father for his medical treatment.

However, there is a reason why a minimum adequate number of classes is stipulated, especially for courses like medicine. If the petitioner has to be imparted adequate knowledge in a proper manner, it is necessary that he attends the minimum number of classes, both in theory and practicals in each of the subject.

It is true that there is a provision for supplementary examination. But, the NMC Guidelines are clear that for appearing in the University examination, the student should have minimum 75% attendance in each subject.

Therefore, the purpose of providing for such supplementary examination is something else. As for instance, if someone is unable to appear in the examination on a particular day in spite of adequate attendance. This cannot be resorted to without adhering to the NMC Guidelines regarding minimum attendance.

Even on facts, the number of classes attended by the petitioner is only 32%, which is far too short of the required attendance of 75% for theory and 80% for practical.

In view of the above, I do not find any merit in this application.

Accordingly, the writ petition is disposed of, without any further order, even as to costs.

Urgent photostat certified copy of this order be supplied to the parties expeditiously, if applied for.

(Jay Sengupta, J.)