

IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
APPELLATE SIDE

Present:

The Hon'ble Justice Tapabrata Chakraborty
&
The Hon'ble Justice Partha Sarathi Chatterjee

MAT 330 of 2026
+
IA No. CAN 1 of 2026

Harish
versus
Union of India and Anr.

For the Appellant : *Mr. Deepan Kumar Sarkar,*
Mr. Subhajit Mukherjee,
Ms. Deepti Priya.

For the Respondent No.2 : *Mr. Soumya Majumder, Sr. Adv,*
Mr. Bhaskar Mukherjee,
Ms. Debdeetta Dutta.

Hearing is concluded on : *13th May, 2026.*

Judgment On : **21st May, 2025.**

Tapabrata Chakraborty, J.

1. The present appeal has been preferred challenging an order dated 18th February, 2026 passed by the learned single Judge in two writ petitions being WPA 24155 of 2025 and WPA 940 of 2026.

2. The writ petitioner, namely, Harish was enrolled in the post-graduate management programme (hereinafter referred to as the MBA programme) for the two academic years 2024-2026 consisting of six Terms being the 61st batch at the Indian Institute of Management, Kolkata (in short, IIMC). His application was in the category of Persons with Disabilities (in short, PwD) as he was suffering major psychiatric disorder, namely, Schizophrenia. In Term-I and Term-II of the first academic year, he could not appear in the mid-term examinations due to his ailments. However, he could complete the said Terms having emerged to be successful in the make-up examinations and thereafter he completed Term-III with 60% attendance but IIMC arbitrarily reduced the Cumulative Grade Point Average (in short, CGPA) from 4.58 to 3.83 in Term-I, from 4.20 to 3.77 in Term-II and from 4.34 to 3.40 in Term-III. Thereafter as he was not being allowed to attend the classes pertaining to Term-IV in the second year, he submitted repeated representations and in response thereto, by a letter dated 22nd April, 2025 he was intimated that as his CGPA was below minimum qualifying CGPA of 4.5 as required for promotion to second year,

the Academic Council in its meeting dated 2nd April, 2025 had decided to allow him to repeat the first year MBA Programme with the 62nd batch and to deposit an amount of one lakh. Pursuant thereto, he paid the said amount on 13th May, 2025. Subsequent thereto, Harish's parents again approached the authorities of IIMC with medical fitness certificate of Harish on 24th July, 2025 as he was not being granted conditional promotion to the second year but by a letter dated 26th July, 2025 it was intimated that his case had been reviewed by the Academic Council in its meeting dated 25th July, 2025 and it was resolved that as per the prevailing Rules and Regulations of MBA Students (hereinafter referred to as the Rules) he has to resume his studies in Term –I of the (AY 2025-26) with the MBA 62nd batch. Aggrieved thereby Harish preferred the writ petition in WPA 24155 of 2025 challenging *inter alia* the reduction of CGPA in Term-I, II and III for the first year MBA Programme. In the said writ petition an interim order was passed on 14th October, 2025 directing the authorities to allow Harish to attend the next session Term-V commencing from 21st October, 2025. Pursuant to the said order, Harish was allowed to re-join the classes on and from 21st October, 2025 but as he could join the Term–V classes mid-way, he could not acquire the required percentage. Surprisingly thereafter as he was not allowed to take part in the placement process for the 61st batch which commenced from the first week of December, 2025, he was constrained to file another writ petition being WPA 940 of 2026. In the midst thereof, an application for vacating the interim order was also filed by IIMC and both

the writ petitions along with vacating application were finally heard and disposed of by the order impugned in the present appeal.

3. In the final order dated 18th February, 2026 the learned single Judge arrived at a finding that the overall performance of Harish was poor and the decision of IIMC denying him conditional promotion to the second year of the 61st batch was not interfered with. However, liberty was granted to him to register for the 63rd batch recording an undertaking that IIMC would consider Harish's fees in case he decides to continue and register for MBA Programme (the 63rd batch) commencing on and from the month of June, 2026.

4. Records would reveal that upon contested hearing on 20th February, 2026, this Court did not issue any interim order to allow Harish to participate in Term-VI examination which was due to commence on and from 23rd February, 2024 since on behalf of IIMC it was submitted that *'necessary arrangements would be made for the appellant to appear in the supplementary examination pertaining to Term –VI in the event he succeeds in the appeal'*.

5. Mr. Sarkar, learned advocate appearing for the appellant argues that the CGPA of the appellant had been arbitrarily fixed in violation of Rule 14 (h) (iii) (b) (c) (d) of the said Rules. A situation to repeat course with the next batch or to take two grade drops in the final grade would only arise if the student had missed more than 60% of a course. Harish had a stable attendance of 60% from Term-I to Term-III in the first year and as such IIMC

could not have reduced his CGPA in the said Terms. In case of absence of a student in mid/end term examination due to major ailment, IIMC can arrange for make-up examination '*with no grade drops from the final grade*'. In view of fulfilment of the conditions of attendance, he could have been denied promotion to the second year of the course.

6. Referring to a communication dated 10th April, 2025 issued by the Chairperson Students Affairs Committee IIMC, Mr. Sarkar contends that a candidate, who is suffering from severe ailments and had been hospitalised, cannot be penalized by down grading CGPA having allowed the same candidate to participate in the make-up examinations in the respective Terms. While Harish was diligently submitting representations and seeking redressal of his grievances, he was compelled to miss some classes and as a direct consequence thereof, he was further deprived of participation in placement opportunities for no fault attributable to him resulting in continuing and irreparable prejudice.

7. He submits that many students having CGPA less than 4.5 had been granted conditional promotion to the second academic year but the authorities have taken a different stand in respect of Harish and such discrimination practised by IIMC ought to have been interfered with. Such argument, as urged, was glossed over by the learned single Judge and no finding was returned on the same. In support of such contention reliance has been placed upon the averments made in paragraph 14 of the stay application and a supplementary affidavit affirmed on 22nd January, 2026.

8. Mr. Majumder, learned senior advocate appearing for IIMC denies and disputes the contention of Mr. Sarkar and submits that Rule 14 (h) (iii) (d) provides, *inter alia*, that ‘*in case of absence of a student in mid/end Term examination due to major ailment, the MBA Programme office shall arrange a make-up examination with no grade drop from the final grade (subject to clause (iii) above)*’. The condition that there would be ‘*no grade drop*’ is relatable to ‘*mid/end term examination*’ and not to promotion in the next academic year. The consequence of clause (b) pertaining to attendance in ‘*compulsory non-credit course*’ is that the student has to repeat the course and the consequence of clause (c) pertaining to a student who misses more than 60% classes of a course due to major ailment is that the student would have the option to repeat the course with the next batch or take two grade drops in the final grade. Harish admittedly could not acquire the attendance percentage in the Terms and as such there had been no infirmity in the decisions of the Academic Council in its meetings dated 2nd April, 2025 and 25th July, 2025 allowing Harish to repeat the first year MBA.

9. Drawing the attention of this Court to Rule 21 of the said Rules, Mr. Majumder submits that a student whose CGPA at the end of Term-III is 4.5 would be promoted and registered for Term-IV. In the event the student obtains CGPA less than 4.5 he/she would have the option to repeat the first year of the MBA programme or to permanently withdraw from the programme. The learned single Judge rightly refused to exercise discretion in favour of Harish and rejected his prayer for promotion in view of his poor attendance percentage not meeting the cut-off fixed in the said Rules.

10. Mr. Majumder contends that the issue of discrimination, as urged, is not sustainable since all the candidates as referred to by Harish have secured CGPA much higher than Harish in consideration of their overall percentage and the exact figures have been detailed in paragraph 11 of the affidavit-in-opposition.

11. We have heard the learned advocates appearing for the parties at length and we have given my anxious consideration to the facts and circumstances of the case.

12. The object of the MBA programme is to enable post graduate students to possess state-of-the-art knowledge of theory and practice in all functional fields of management and the ability to think critically and to apply them to diagnose and find solutions to organizational problems. The programme is planned to train the student and inculcate in them a global perspective. The programme also aims to enhance the capacity of the candidates to articulate their thinking and ideas. Such attributes cannot be achieved in the event the candidate does not regularly attend the course studies. In view thereof, the Rules have been framed to strictly ensure that the students undergo intense training. For such purpose the Rules provide a categorical period of class contact hours over a term. Harish had not been able to fulfil the required contact hours spread over the Terms and his lack of engagement with the learning process would undermine his educational outcome in the event he is granted promotion to the next academic year.

13. The condition that there would be no grade drop from the final grade for major ailments as spelt out in Rule 14 (h) (iii) (d) is relatable to a mid/end term examination and not in respect of overall performance spread over the three Terms in the year. Even if it is presumed that the said Rule applies to Harish, at the end of Term III examination, he could only obtain an unadjusted CGPA of 4.34 with no grade drop, which is also below the minimum required CGPA of 4.5 for promotion to the next academic year. The candidates referred to in the supplementary affidavit on the basis of their overall performance had obtained adjusted CGPA much higher than Harish and as such the allegation that IIMC had acted arbitrarily is not acceptable to this Court.

14. The practice to promote any student conditionally to the second year is within the discretionary domain of the Academic Council. Harish has been asked to repeat the first year considering his overall performance, adjusted CGPA, attendance in the classes and in terms of the Rules. The discretion exercised by the Academic Council cannot in any manner be construed to be perverse. It is also not a case that such decision suffers from any jurisdictional error.

15. In the said conspectus, the learned single Judge was of the opinion that Harish cannot be given promotion merely on the basis of sympathy. In this competitive world grant of such leverage to the candidate would in fact be detrimental to his career and as such the Court has rightly not interfered with the decision to repeat the programme recording an

undertaking that IIMC would consider his fees, which is high, in case Harish decides to continue.

16. For the reasons discussed above, and as this Court does do not find any patent error of law in the order impugned, the appeal and the connected application are dismissed.

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

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

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)