

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

Present:

The Hon'ble Justice Reetobroto Kumar Mitra

WPA/4401/2026

SURAJIT LAHIRI

Vs.

THE UNIVERSITY OF BURDWAN & ORS.

For the Petitioner : Mr. Surajit Lahiri, Petitioner-in-person

For the Respondent/ : Mr. N.C. Bihani, Sr. Advocate
University : Mr. Soumyajit Ghosh, Advocate

Heard on : 31.03.2026 & 01.04.2026.

Judgment on : 01.04.2026

The Court:

1. The petitioner appearing in person is an unsuccessful student in the L.L.M Course. The petitioner had applied for a seat in the L.L.M Course in the Burdwan University and was unsuccessful. He is aggrieved that he was not given admission to the L.L.M Course on various grounds.
2. The grounds on which he challenges such failure may be summarized as under:
 - i) *Review sought for by him for papers in the second and sixth semester of the L.L.M Course was not done in time thereby depriving him of a higher merit rank, attributable to the University.*

- ii) *There are vacancies in the L.L.M Course, which has duly commenced, on account whereof he is entitled to allotment of one of such vacant seats.*
- iii) *The University had accepted his payment for conducting review and is thus vicariously liable for not having taken into account the enhanced marks for the sixth semester exam.*
- iv) *The University had not completed the admission formalities and had not notified the timeline for the review as it was bound to do so.*
- v) *Additionally, the affidavit-in-opposition filed by the University has not been properly verified.*
- vi) *The petitioner also contends that the Faculty Council has not acted in terms of Section 23(xv) of the Burdwan University Act, 1981 (hereinafter, The Act)*

3. Mr. N.C. Bihani, Sr. Advocate, learned senior Counsel appearing for the University submits the following issues:

- a) *The timeline for the review of papers in the second and sixth semester were closed as on March 7, 2024 and with a late fee on March 11, 2024. The petitioner had submitted his application for review on April 24, 2025, more than a year after the closure for review.*
- b) *There are no vacant seats available for admission in the L.L.M Course.*
- c) *In any event the admission to the L.L.M Course was closed, pursuant to a closure note on January 15, 2026. This closure was after the declaration of phase three counseling.*
- d) *There is no provision for a review after the closure of the dates given for such review application.*
- e) *The post publication review of three years LLB (Honours) of semester two examination for the session 2022 was made on April 21, 2025.*
- f) *Even if the petitioner's sixth semester enhanced marks are taken into account, the petitioner's CGPA would change from 6.66 to 6.69 that is an increase of 0.03 in CGPA. Even if this enhanced marks is considered, the petitioner's rank would be upgraded in the merit list from 86 to 82/83.*
- g) *The lowest rank candidate who has been allotted an unreserved seat is at serial no. 46 in the merit list. Hence to accommodate the petitioner, 47 candidates above him would have to be bypassed in the merit list.*
- h) *The application filed by the trust officer, who is duly authorised by respondents 1 to 3, is valid and maintainable.*

4. In the facts and circumstances afore-stated there is no reason to consider the case of the petitioner for the L.L.M Course, which has already commenced and the examinations are commencing from the second week of April, 2026.
5. I have heard the petitioner in person and learned senior Advocate for the University and considered the documents on record.
6. The petitioner's contention that the deponent of the affidavit-in-opposition has not been properly authorized and, if any authorization has been done, the same is in violation of Section 10(7) of the said Act, is noted. However, the deponent of the affidavit has mentioned that he has been authorized by the respondents 1, 2 & 3 to make and affirm the affidavit for and on their behalf. Thus, the question of the deponent not being authorized can only be raised by such respondents and not by the petitioner.
7. The petitioner is an unsuccessful candidate, having participated in the L.L.M examination. The petitioner's merit rank at serial no. 86, is not commensurate to grant him admission bypassing 47 candidates above him on the ground mentioned by the petitioner.
8. The petitioner's primary grievance is that, had the marks in the LLB examination of the sixth semester been reviewed within time and been forwarded to him, he would have had the benefit of 0.06%, and his CGPA would have been marginally increased.
9. His grievance that the University had taken money for the purpose of reviewing a paper and had not considered the same seems to be ill-founded, as the payment was made by him through an online process, as is usually done, without any intimation to the University. This does not tantamount to any admission on the part

of the University to allow review of the petitioner's papers, beyond the stipulated timelines.

10. The petitioner's application seeking review of papers in the sixth semester was made well beyond the stipulated time; in fact, after one year. The college had not forwarded such marks to the University, as it could not have within the stipulated time.
11. Any grievance that the petitioner may have is primarily against the college and cannot be foisted on the University with a vicarious liability. The petitioner ought to have approached the college, if at all, to buttress his case that the review application had not been considered within time.
12. Thus, the petitioner's primary grievance that he had been denied an opportunity and deprived of a higher rank by non-consideration of the review is unfounded and is rejected.
13. The seats of the L.L.M Course are categorized in two sets, first, the department of law University campus, and second, the government centre of legal education (GCL) Hooghly, whereby campus-wise seat distributions are divided in 80:20 categorization.
14. The University had duly published its allotment list first for the other courses sometime on September 20, 2025 and then for the L.L.M Course sometime on September 22, 2025. In fact in terms of the memo dated September 24, 2025 duly published, the counseling for the L.L.M course was conducted, which according to the petitioner was not known to him till February 12, 2026.
15. The petitioner has also in no uncertain terms admitted in the writ petition (paragraph 9), he holds 86th rank in the merit list while the last admitted candidate in the L.L.M Course held rank 46 for the unreserved category.

16. Understandably the college has not been made a party, since the application for review itself was made beyond the stipulated time. In any event, the college authorities have not been impleaded as a party. On an empathetic approach even if petitioner was to be considered for allotment of a seat in the L.L.M course, it would result in complete injustice to those 37 candidates who are ranked above the petitioner in the merit list.
17. On a simple calculation, adding the petitioner's marks in the review of the sixth semester papers, his CGPA stands marginally enhanced, thereby enhancing his rank from 86 to 82/83.
18. Any consideration in favour of the petitioner for allotment of a seat would thereby indicate completely ignoring at least 36 to 37 candidates who would still be ahead of him in the merit list.
19. The petitioner's allegation that he has been deprived of a higher merit ranking and hence deserves to be allotted a seat, is completely without any basis as even with a higher merit ranking (if review marks are taken into account), the petitioner would not qualify for a seat in the L.L.M Course.
20. The eligibility of the petitioner cannot be construed under any circumstances even upon enhancement of his marks in the sixth semester examination upon review. The petitioner was apprised of such situation that the review could not be considered on December 6, 2025 by the University, which should have prompted the petitioner to immediately approach this Hon'ble Court for seeking any remedy. The petitioner chose to wait till about February 19, 2026 when the entire counseling process had already come to a closure and the classes for the L.L.M Course had already commenced.

21. In so far as the vacancy of the seats are concerned, Mr. Bihani, Sr. Advocate appearing for the University has categorically stated that at the inception, that is upon completion of the admission process of December 3, 2025, upon payment of admission fee and verification of candidates' documents, there was only one seat in the unreserved category seat (80 per cent) and one in the reserved category (20 per cent) lying vacant in the government center of legal education, only because two successful candidates had not taken appropriate steps to make requisite payments in respect of their allotment.
22. It is not in dispute that the phase 3 was the last phase of counseling and any selection of any candidates subsequent thereto would result in a complete disruption of the process as the same would be a selective appointment/allotment.
23. In fact, the representation made by the petitioner on December 26, 2025 was duly considered and placed before the competent authority.
24. The competent authority directed adherence to the existing rules and refrained from making a selective allotment in favour of the petitioner.
25. There is no question of the University being vicariously accountable as alleged nor can the University in any of the circumstances as discussed aforesaid be held liable for impacting the merit rank or "artificially depressing" the merit ranking of the petitioner.
26. The petitioner is not even a successful candidate and not coming even within zone of consideration cannot be allotted a seat as that would result in an arbitrary and whimsical allotment, bypassing the 36/37 other candidates above him in the merit list. The

grievance of the petitioners could have been considered, had the petitioner been in the zone of consideration in the merit list and or if the sum total of his mark (CGPA) being within zone of consideration on review. In this case, none of the aforesaid two grounds are satisfied.

27. The petitioner is merely taking a chance and seeking a forceful allotment of a seat, which is impermissible in law and absolutely contrary to the basic tenants of equality as the allotment in his favour would result in gross injustice to the candidates who are placed above him in the merit list.
28. In that circumstances as aforesaid, **WPA/4401/2026** fails and is accordingly **dismissed**.

(Reetobroto Kumar Mitra, J.)