

WPA 11290 of 2026

Zulkifil Faisal

Vs.

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya

Ms. Seema Thakur

.... for the petitioner

Mr. Milind Mohul Ghosh

Mr. Ashish Shaw

.... for the respondent

1. Let affidavit-of-service, as filed in Court, be kept on record.
2. This writ petition is not for seeking redressal of violation of any right. It is more for seeking mercy and leniency for the petitioner, who is a student in under-graduate course in the St. Xavier's University in B.A. (Hons.) English.
3. Mr. Bhattacharya, learned Advocate appearing for the petitioner, submits that the petitioner is a meritorious student enrolled in the St. Xavier's University which has presently become an autonomous University pursuant to St. Xavier's University Act, 2016 which was notified on July 16, 2017.
4. The University prescribes in its prospectus a minimum attendance of 75%, which has to be maintained by all students who seek to appear in Semester examinations.
5. There is only one limb of exemption prescribed in the prospectus. This limb relates to the students who do not have the requisite attendance on medical ground or some illness, information whereof has to

be given to the University in a prescribed manner. Even for such students who have temporary medical disabilities, the minimum attendance prescribed is 65%. Thus, a student who is short on attendance (75%), he has to have a minimum attendance of 65% to enable his case to be considered for exemption by the concerned authorities.

6. Mr. Bhattacharya, learned Advocate appearing for the petitioner, fairly submits that the petitioner had an attendance of 40.24%, on account whereof he has not been permitted to sit for the examinations, first of which commences from today.
7. Mr. Bhattacharya's point is that the petitioner was ill for a prolonged period on account whereof he was unable to attend classes and does not even have the requisite 65% to seek any exemption. This has prompted the petitioner to approach this Court seeking some leniency in the matter.
8. He has relied on a decision of a co-ordinate Bench of this Hon'ble Court in WPA 16324 of 2024 (Rhine Ghosh vs. St. Xavier's University & Ors.) where the student was permitted to sit for the examination without having requisite percentage of attendance.
9. Mr. Ghosh, learned Advocate appearing for the University, has placed reliance on the prospectus and particularly Section 1 thereof. Sections 1.1, 1.2, 1.3, 1.4 and 1.5 have been heavily relied on by Mr. Ghosh. He submits that the tenor of the University's prescribed Rules, to promote active participation is applicable to all the students and cannot be waived, exempted or relaxed in any manner for one particular student as that would tantamount to discrimination against other similarly situated students. Thus, it would not be appropriate to permit this petitioner to sit for the semester examinations commencing today.

10. The second limb of Mr. Ghosh's submission relates to suppression of certain facts by the petitioner. The petitioner, according to Mr. Ghosh, was afforded a reasonable opportunity to enhance his attendance, on account whereof several additional/ extra classes were held. The petitioner attended only two of such classes, thereby raising his attendance from 40.04% to 41.04%. Even with such enhanced percentage of attendance, the petitioner does not come within the zone of consideration for exemption, which is the prescribed 65% of attendance.
11. Third limb of Mr. Ghosh's submission is that this Hon'ble Court, on several earlier occasions, in WPA 27413 of 2024 (Megha Ojha vs. St. Xavier's University, Kolkata & Ors.) and WPA 25812 of 2025 (Sk. Taha vs. St. Xavier's University, Kolkata & Ors.) have categorically held that in the absence of the requisite percentage a student cannot be permitted to avail the exemption or relaxation of the attendance criteria as prescribed in the prospectus. In fact, in the case of Sk. Taha (supra) the candidate therein had a percentage of attendance recorded at 62.15%, much higher than the petitioner herein and slightly shorter than the requisite 65% to be considered for exemption. Even in these circumstances, the applicant was not permitted to sit for the examination as he did not come within the zone of consideration.
12. I have heard the learned Advocates appearing for the parties and perused the records.
13. The case of the petitioner is that due to his medical illness, which has been supported by a bare prescription of April 16, 2026 and certain Discharge Summary from a Hospital/Health Care Centre, the petitioner was indisposed for a period of six months. It is not for the Court to

adjudge whether the medical certificates are of credence or whether they support the statement of the petitioner that he was indisposed for a period of six months or not. However, the said certificates are extremely bare, bald and lacking in material particulars.

14. It is a fact that the petitioner does not have the requisite attendance even to be considered for exemption. The exemption sought at 40.24% or even at the enhanced level of 41.04% are grossly inadequate to be considered for exemption, the threshold limit whereof is 65%.
15. The petitioner was also afforded an opportunity to enhance his attendance by giving additional classes, which he has failed to attend. The prescribed format for any candidate seeking exemption on medical ground is to inform the Vice Chancellor through the Dean of the concerned faculty for appearing in any semester examination. Section 1.4 of the prospectus is clear and unequivocal.

“A student who has aggregate attendance of 65% or more but less than 75% in a semester will have to seek condonation from Vice-Chancellor through the Dean of the concerned Faculty/School for appearing in the end-semester examination. Condonation may be considered only on grounds of illness for which applications are to be submitted within 3 days of re-joining classes & documents pertaining to the illness are to be submitted within 15 days of re-joining classes. However, the mere submission of the application along with the documents will not ensure condonation.”

16. A bare perusal of the said Section reveals that the condonation would be considered only on the grounds of illness for which applications are to be submitted within 15 days of re-joining classes. The

petitioner has admittedly not done the afore-stated. There is no application made by the petitioner to the Vice Chancellor through the Dean of the concerned Faculty. Thus, the Vice Chancellor did not have the occasion to consider the question of condonation of the lack of attendance of the petitioner.

17. It is a fact that the petitioner has not disclosed in the petition that opportunities were given to him to enhance his attendance by the University, by providing additional/extra classes to him. The petitioner had only attended two of such extra/additional classes.
18. The University being an autonomous body and completely in-charge of the roster for examination and the mode for permitting the students to avail of such roster for examination is an internal matter of the University, which can only be interfered if it is found that the University has acted de hors the prospectus or the Rules or the guidelines or regulations by which it is bound.
19. The internal administration and also the academic administration of the University are in its exclusive domain, which the Courts in this sort of jurisdiction are cautious to interfere.
20. Having gone through the records, I do not find that the University has committed any error or taken any illegal or unlawful steps, which has violated the right of the petitioner or caused any infraction of his right in any manner whatsoever.
21. Insofar as the decision relied upon by Mr. Bhattacharya is concerned, the student in the said case Rhine Ghosh (supra) was a law student, who had qualified with requisite attendance on account whereof the petitioner had been given credit and adjustment as he was eligible for relaxation. The facts of the said case were completely different as

the petitioner therein had acted on an assurance from the Dean on account whereof she had missed the examination even after entering the hall. The student therein had also sent the requisite e-mail to the concerned authorities seeking exemption, to which there was no response. The petitioner herein had made no such request for exemption to the concerned authorities.

22. The present case is more akin to the decisions relied upon by Mr. Ghosh in Megha Ojha (supra) and Sk. Taha (supra). In fact, in the case of Sk. Taha (supra), the attendance of the student was 62.15%, in spite whereof the student was not permitted the relaxation/exemption as he did not cross the threshold limit of 65% attendance.
23. The inability of the petitioner to sit for the examinations cannot be overcome at this stage principally on account of the lack of attendance nor can any interference be called for as he does not qualify the threshold limit of 65% attendance.
24. Any direction or permission to allow the petitioner to sit for the examination would prejudice several other students, who have a higher percentage of attendance than the petitioner, but do not qualify the threshold of 65%. The petitioner would be getting a discriminatory treatment in a positive manner if his candidature for the semester examinations of B.A (Honours) (English) is permitted.
25. In view of the afore-stated, I do not find any acts of commission or omission of the University, which is contrary to the guiding Rules and Regulations or prejudicial to the rights of the petitioner.
26. In view thereof, the writ petition is dismissed.
27. There shall, however, be no order as to costs.

28. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

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