

18.02.2026
 Item No. 2 & 3
 Court No. 30
 Piya

WPA 24155 of 2025
With
CAN 1 of 2025
Harish
-vs-
Union of India & Ors.

With
WPA 940 of 2026
Harish
-vs-
Union of India & Ors.

Mr. Ujjwal Roy
 Mr. Subhajit Mukherjee
 Ms. Deepti Priya
... for the Petitioner

Mr. Soumya Majumder, Sr. Adv.
 Mr. Bhaskar Mukherjee
 Mr. D. Dutta
... for the Respondent No. 2

Mr. Ashok Prasad
 Mr. Santosh Pandey
.... For the U.O.I. in
WPA 940 of 2026

Mr. Dibyendu Narayan Roy
 Mr. Goutam Dinda
.... For the Union of India

1. The petitioner's case in WPA 24155 of 2025 is that he is a person with disability (schizophrenia) and presently a student of Indian Institute of Management Calcutta has filed the present writ application on

account of the fact that the Cumulative Grade Point Average of the petitioner has been arbitrarily and in violation of Rule 14(h)(i) and Rule 14(h)(iii)(d) of the Rules and Guidelines for MBA Programme of IIMC published in June 2024 been reduced from 4.2 to 3.7 throughout his first year of college covering all his IV terms, leading to a precarious state of affairs, where now the college authorities are refusing his well-earned promotion to the next year and have also directed him to repeat the first year in complete disregard of the medical condition of the petitioner and completely ignoring the various representation made by the petitioner on each appropriate occasion informing the concerned authorities about his hospitalization owing to which he most inadvertently and in compelling circumstances was unable to attend classes and exams. The petitioner who has secured a Cumulative Grade Point Average well above the required CGPA will have to unjustly repeat the first year, which will have detrimental consequences for his academic life and job prospects.

- 2.** As an interim measure, the petitioner by an order dated 14.10.2025 was *“permitted to attend the next session, term V, which is commencing from 21st October, 2025”*.
- 3.** It was made clear in the said order that:-

“6. Upon hearing the petitioner and perusing the materials on record, the petitioner is permitted to attend the next session Term-V which is commencing from 21st October, 2025.

*7. It is made clear that the participation of the petitioner in the said session **shall abide by the final result of the writ petition.**”*

4. The petitioner’s case in **WPA 940 of 2026** is that the petitioner who was initially allowed to take part in the placement process has now been debarred from the same and his profile has been blocked, practically placing an absolute embargo upon him from sitting for any further placement, him having all the required credentials and fulfilling all the required formalities.
5. It is stated that the petitioner’s unadjusted grade point (CGPA) is 4.58, 4.41 and 4.34, in terms I, II & III respectively, which works out to be **4.44**, when the required grade admittedly is **4.50**.
6. The adjusted CGPA is far lesser than required.
7. The petitioner in his e-mail dated 11th June, 2025 has stated as follows:-

*“During my first year due to various health issues and my mental disability I couldn't do well in my first year, due to **which I had missed exams and***

classes which lead to grade drops in almost every course in my first year.

After grade drops, my final cgpa was 3.66 but if we consider the grade drops reversal it should be meeting the criteria for promotion to second year.

During Term-1 mid terms,

I was hospitalized for a week during midterm week due to serious health concerns, which lead to grade drops in all courses.

During Term 2- Term3,

I wasn't able to meet attendance criteria leading to shortage in attendance, which again lead to grade drops.

I am very sorry, that I am reaching you very late, but I had a mental breakdown once I heard about the committee decision, I couldn't think or contact anyone of you.

I have attached all the medical slips and documents from concerned authorities like institute doctors and external doctors to whom I was referred to and my pwd certificate and mental health analysis supporting the reasons behind my absence, etc.

If all grades are considered with actual grades without the grade drops, I am fully eligible to be promoted to second year.

And also in first year, due to my adjustment issues I really couldn't make any friends or groups which lead to further disconnected from the course and classes.

But for second year, I had planned and took all courses with people/friends with whom I am comfortable and who can support, so that I don't tend to miss classes and also support me in terms of coursework, etc.

If I had to repeat the first year, the cycle is gonna be the same and would lead to more worse consequences seeing the fact being outcasted by both 61 and 62 batch considering me as repeater which affects me mentally and hinder my performance further.

I, kindly request you to consider my grades without grade drops for promotion.”

- 8.** The petitioner was then asked to repeat first year (62nd batch) vide email dated 16th June, 2025 wherein it was stated as follows:-

“As discussed with you and as you are aware, in the last AY (2024-25) you missed appearing for exams on various occasions and based on your applications/email submitted to PGP

office along with your submitted medical certificates/prescription, you were allowed by the PGP office for makeup exams as per provision in the MBA rules.

Also, in so many courses, you got 'F' grade in the exams and then you were allowed to appear for re-exams in those courses as per MBA rules and after due evaluation by concerned Instructors, you were awarded 'C+' as per MBA rules. Your grade sheet is attached here again for reference.

Subsequently, the first year result was placed to the Academic Council and while approving the result, the Academic Council allowed you to repeat the first year with MBA 62nd Batch as per provision in the MBA rules, a copy of the letter is attached for reference. You were accordingly issued the letter from the Chairperson, MBA Programme, a copy of the same is attached for reference.

The PGP office received your acceptance afterwards for repeating the first year with the MBA 62nd Batch, a copy of the same is attached for reference.

Keeping in view of the above, we request you to complete the registration process at your earliest as the first year

classes in the MBA 62nd Batch have already started from today.”

9. The petitioner during the period under reference has 60% attendance and cause given is his illness.

10. CAN 1 of 2025 has been filed by the respondent college, praying for vacating of the interim order dated 14.10.2025.

11. The respondents case is that the interim order was obtained by suppressing material facts and on false submission.

12. It is stated by the respondent college that:-

i. **Since the Term-I Course, performance of the petitioner was not satisfactory.**

Based on medical documents submitted by the petitioner, he was permitted to appear for Make-up Examination on medical grounds.

ii. In courses where the petitioner was awarded a 'F' grade, he was allowed to appear for re-examination as per MBA rules. Upon re-evaluation by the respective Instructors, he was awarded 'C+' grade in those courses, consistent as per MBA rules.

iii. The Term-II result was published on 20th February, 2025. The petitioner was also allowed to appear for Make-up examination in the course where he was awarded an 'F' grade and upon re-evaluation by the respective Instructor,

he was awarded "C+" grade in those courses, consistent as per the MBA rules. No complaint was ever received from the petitioner regarding any discrepancy in his Term-II result. Apart from the low attendance, the overall poor performance of the petitioner in the examination would also be evident from the re-evaluated Mark-sheet.

- iv. The Term –III examination was conducted from March 10 to March 13, 2025. No email or communication was received from the petitioner alleging any discrepancy in his Term-III result. The petitioner was awarded CGPA 3.66.
- v. The First year result was presented to the MBA committee and the Academic Council for approval at their meeting held on April 2, 2025. The petitioner obtained a CGPA of 3.66. The shortage of attendance of the Complainant definitely has a role in the poor CGPA of the Complainant, though it was not the only reason. The overall poor performance in the examination was a major reason of poor CGPA obtained by the petitioner. The un-adjusted CGPA of the Petitioner after Term-III was only 4.34. Under the prevalent MBA Rule, on such poor CGPA the petitioner cannot be permitted to be promoted to the second year.

- vi. Considering all aspects, while approving result, the Academic Council academic counsel had permitted the petitioner to repeat the First year with the MBA 62nd batch in accordance with the provisions outlined in the MBA rules along with few other students, on similar CGPA short falls.
- vii. On May 13, 2025, the petitioner had sent an e-mail confirming that he has paid acceptance fee for registration into the MBA 62nd batch.
- viii. On June 11, 2025 the petitioner had requested for conditional permission to the second year. However, the 2nd year class of the promoted students of the MBA course, i.e., 61st batch had already commenced on June 2, 2025.
- ix. The petitioner did not register for the Term-IV (which is the first term of the second year of the promoted students of MBA course, 61st batch) courses, for which the process is usually completed in the month of March. In view of the foregoing, conditional promotion to the second year was neither feasible nor in consonance of the applicable academic process.

13. But the petitioner did not attend the 62nd batch of first year, instead moved

the High Court, when Term-V (2nd year) had already commenced on August 25, 2025.

- 14.** It is stated that the MBA Programme at IIM Calcutta is spread over two years with Terms I, II and III in the first year and Terms IV, V and VI in the second year.
- 15.** Learned counsel for the respondent relies upon Rule 14(e)(g) of the MBA programme.
- 16.** On the other hand the petitioner relies on Rule 14(h)(iii)(a) and (d).
- 17.** It appears that the petitioner appeared for the make up examinations and his attendance was 60%.
- 18.** The petitioner thus claims the benefit of the said rules.
- 19.** To counter the same, it is submitted on behalf of the respondents that the CGPA of the petitioner was admittedly below the required 4.50 and his performance throughout the year was poor.
- 20.** The petitioner on filing written notes has stated that further, Rule 14(iii)(d)(c) also makes it clear that the situation to repeat course with the next batch or take two grade drops in the final grade would only arise if the petitioner missed more than 60% of the classes of the course. In this regard, it is submitted that it is undisputed that petitioner has had a stable attendance of 60% and above from Term I to Term III.

- 21.** It is further stated that grade drop in the petitioner's case cannot be applied considering the that the Rules itself does not permit it.
- 22.** The respondents have produced the attendance sheet in support of their stand as to attendance, which show that the petitioner is a habitual absentee in all semester and has not improved at all, even in the Vth semester (2nd year), when permitted by the Court to attend.
- 23.** In ***Shubham Pal & Ors. vs Staff Selection Commission & Anr., in Civil Appeal No(s). of 2026 (arising out of SLP (c) No(s). 21999/2024, decided on February, 03, 2026,*** the Supreme Court held:-

*“8. We heard Mr.Luv Virmani, the learned counsel appearing for the appellants at length. He took pains in taking us to all the relevant questions and the disputed answers. He tried his best to make us understand why the four disputed questions in some way or the other, are wrong or the answer keys are wrong. **He vehemently submitted that it is a question of the entire career of his clients and they should not suffer because of some mistake committed by the examining committee.***

11. According to both the learned ASGs, it's been now two years, the results came to be declared and the appointments have been finalized. Any interference at this point of time may create lot of

difficulties for both the candidates and the Commission. In such circumstances they prayed that there being no merit in the appeals of the candidates, those may be dismissed.

12. Having given our thoughtful consideration to all the relevant aspects of the matter, we are of the view that we should not interfere in the matter. As held by this Court in *Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.* reported in (2018) 2 SCC 357, the Court should presume the correctness of the key answers and proceed on that assumption. In *Ran Vijay Singh (supra)*, **this Court also said that in the event of a doubt, the benefit should go to the examination authority rather than to the candidate. In these types of cases sympathy or compassion have no role to play. Courts should be very loath in matter of directing or not directing re-evaluation of an answer sheet.**

13. In view of the aforesaid, the appeals preferred by *Shubham Pal & Ors.*, and the connected appeal of *Rakshit Kumar & Ors.*, (i.e. Civil Appeals @ SLP(C)Nos. 21999/2024, 22002/2024) stand dismissed.”

24. Though the facts in the judgment of *Shubham Pal & Ors. vs Staff Selection Commission & Anr. (Supra)* is different, the views of the Supreme Court in the said becomes applicable to the present case.

25. In the present case, the petitioner herein:-

- i. Was under medical treatment, (schizophrenia), which the doctor's certificate shown was controlled with medicines and the doctor also opined that he was pampered, being an only child.
- ii. He admittedly has only 60% attendance though, he claims the benefit of Rule 14(h)(iii)(a) and (d) of the MBA Programme.
- iii. The programme for which the petitioner has registered is a two year programme.
- iv. As the petitioner could not sit for his exams, he was permitted to take make up exams, where his un adjusted grade was 4.44 and adjusted was 3.38 when the required is 4.50.
- v. The petitioner banks upon the unadjusted grade and states that he is eligible to be promoted, as another candidate with 4.40 has been.
- vi. The respondents stated that the said candidate was considered for his significant improvement in performance, which is not so in the case of the petitioner herein.
- vii. The respondent states that most of the students have acquired adjusted grade of more than 4 and their unadjusted goes above 5.

- viii. It is also on record that the petitioner having agreed to register for the 62nd batch, which started in June, 2025 moved the High Court in October, 2025 wherein as prayed for he was permitted to attend classes **subject to the decision in the writ.**
- ix. **The petitioner thus did not attend classes (62nd batch) (1st year) nor (2nd year) from June to October, 2025.**
- x. The petitioner herein seems to be in a hurry to get a degree, without properly attending any classes at all, inspite of the doctor having noted that his condition is better (controlled).
- xi. It also appears that some of the medical documents filed relate to **minor ailments** like, stomach problem, viral fever etc., which also the petitioner relies upon to get the benefit as prayed for.

26. Thus, considering all these factors, the petitioner admittedly having, an over all poor performance, is not only claiming to be promoted to the 2nd year, but having very poor attendance (20%) also in the 2nd year, (not attending regularly even from October, 2025) will now be claiming the degree for the said MBA programme from this premier institution.

- 27.** Students with such ailments are treated not only with concern but also with more attention and in such cases, the institution is the best authority and suitably placed to decide the welfare of the student, and in such cases, the parents should rely on the decision of the authorities, which works out for the best for the child/student, whose welfare is paramount.
- 28.** Parents being emotionally attached should play a supporting role and it should not turn out to be a case of ego and defiance of an institutional authority, setting a wrong example for the child in the long run.
- 29.** The respondents have also undertaken to consider the petitioner's fees, which admittedly is high, in case the petitioner decides to continue the programme, which he has to repeat (join the 63rd batch) which shall commence in June, 2026.
- 30.** Thus, the petitioner's prayer to be promoted to the 2nd year of the 61st batch stands rejected.
- 31.** The petitioner also not being eligible for the 62nd batch, (no attendance) and the 2nd year of 61st batch, being not eligible to be promoted, is at liberty to register for the 63rd batch and the respondent/college shall consider the matter relating to his fees sympathetically, if he chooses to continue, pursue the course (in 63rd batch).

- 32.** The petitioner being awarded a degree in such circumstances, would send a bad message to the student community at large and in such cases, sympathy or compassion should have no role to play and **in the event of a doubt, the benefit should go to the institution rather than the student** (*Shubham Pal & Ors. vs Staff Selection Commission & Anr. (Supra)*), as such indigence will not create difficulties for the institution but also the students.
- 33. WPA 24155 of 2025 and WPA 940 of 2026 along with CAN 1 of 2025 are disposed of.**
- 34.** All connected application, if any, stands disposed of.
- 35.** Interim order, if any, stands vacated.
- 36.** Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, expeditiously after complying with all necessary legal formalities.

(Shampa Dutt (Paul), J.)