

Consti tuti onal Wri t
Present : The Hon'ble Mr Justice Jayanta Kumar Biswas
Judgment on : June 11, 2010
W.P.No.12043(W) of 2010
Subarna Nath
-vs-
University of Calcutta & Ors.

POINTS

Permit to take Examination – Petitioner did not submit the requisite application within the last date – Whether she can be permitted by the university to sit for the exam when the last date to submit application was extended – Constitution of India, Article 226.

FACTS

Petitioner did not submit the requisite application within the last date notified by the university. Initially the last date for submission of the application was fixed for March 19, 2010. Subsequently the date was extended upto April 9, 2010. The petitioner's case is that for her illness she could not submit the application. It is not known why someone did not collect the form on behalf of the petitioner, take steps for filling in the form and getting it signed by the petitioner, so that it could be filed within the notified date. The examination will commence on June 14, 2010.

HELD

There is no reason to make an order directing the university to permit the petitioner to take the examination. It is to be noted that the college did not send the petitioner for registration with the university. Para 4

Mr. Rajat Duttafor the petitioner

Mr. Biswaroop Bhattacharyafor the state

Dr. Sambuddha Chakrabortyfor the college

THE COURT : 1)The petitioner in this art.226 petition dated June 10, 2010 is seeking a mandamus commanding the respondents to permit her to take the B.A. Part II Examination, 2010 to be held by the University of Calcutta.

2)The admitted position is that the petitioner did not submit the requisite application within the last date notified by the university. Initially the last date for submission of the application was fixed for March 19, 2010. Subsequently the date was extended upto April 9, 2010.

3)The petitioner's case is that for her illness she could not submit the application. It is not known why someone did not collect the form on behalf of the petitioner, take steps for filling in the form and getting it signed by the petitioner, so that it could be filed within the notified date.

4)The examination will commence on June 14, 2010. Under the circumstances, I find no reason to make an order directing the university to permit the petitioner to take the examination. It is to be noted that the college did not send the petitioner for registration with the university.

5)For these reasons, the petition is dismissed. No costs. Certified xerox.

(Jayanta Kumar Biswas, J)

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