

**(2010) 05 CAL CK 0011**

**Calcutta High Court**

**Case No:** Writ Petition No. 8071 (W) of 2010

Alok Kumar and Others

APPELLANT

Vs

The West Bengal University of  
Technology and Others

RESPONDENT

**Date of Decision:** May 12, 2010

**Acts Referred:**

- West Bengal University of Technology Act, 2000 - Section 25

**Citation:** (2010) 2 CALLT 695

**Hon'ble Judges:** Biswanath Somadder, J

**Bench:** Single Bench

**Advocate:** Amalesh Roy, for the Appellant; Nandini Mitra for the University, for the Respondent

### **Judgement**

Biswanath Somadder, J.

The Judgment of the Court was as follows:

1. Affidavit of service filed in Court today be kept on record.
2. Learned advocate for the petitioners is directed to deposit deficit Court fees in the department within Friday, failing which the writ petition shall be deemed to be dismissed so far as the writ petitioner Nos. 2 and 3 are concerned and shall survive only in respect of writ petitioner No. 1.
3. After hearing the learned advocates for the parties and upon perusing the instant application, it appears that the grievance of the three writ petitioners have some substance. The West Bengal University of Technology (hereinafter referred to as the said University), by a letter dated 4th March, 2010, addressed to the Principal, Siliguri Institute of Technology, communicated the decision taken by the Board of Discipline of the said University in its meeting held on 3rd March, 2010, whereby the names of the writ petitioners who appeared in the B. Tech 7th Semester

Examination, 2009, stood cancelled for adopting unfair means. Prior to the Issuance of the letter dated 4th March, 2010, the said University had written a letter dated 22nd December, 2009, to the Principal, Siliguri Institute of Technology where the following questions were asked and a reply sought for:

(1) Why you have been repeatedly failing to ensure the integrity of the examination system at your college?

(ii) Why all examinations where the rules and Regulations of the University have been grossly violated will not be treated as null and void and the students will not be directed to retake their examinations at a suitable venue and date?

4. Learned advocate appearing on behalf of the said University submits that no reply was forthcoming from the Principal, Siliguri Institute of Technology which prompted the Board of Discipline of the said University to hold a meeting on 3rd March, 2010, on the strength of the Reports submitted to the Controller of Examinations of the University by the Officer-in-Charge of the said University Odd Semester Examinations 2009, SIT Centre, Siliguri and the University Station Supervisors Team Members.

5. Be that as it may, upon perusing the First Regulations of the University, which have been framed by virtue of powers conferred u/s 25 of the West Bengal University of Technology Act, 2000, it appears from Regulation 9.4 that in all cases of breaches of discipline in connection with University Examinations, the Secretary of the Board of Discipline is under an obligation to inform the student concerned of the charges against him and ask him to appear before the said Board and furnish an explanation, verbally or in writing, with regard to the charges made against him. Regulation 9.4 further provides that students against whom disciplinary measures have been recommended shall be given an opportunity to defend their cases, if they so desire, after they are intimated about the punishment imposed on them.

6. In the instant case, however, learned advocate for the University submits that the writ petitioners shall be given a special chance by the University to appear for the same 7th Semester Examination, immediately after the 8th Semester Examination is over.

7. In that view of the matter, although it is clear that Regulation 9.4 has not been strictly adhered to by the University, the grievance of the writ petitioners has been adequately redressed by allowing them to sit for a special examination, which shall be conducted by the University immediately after the 8th Semester Examination is over.

8. No further directions are, therefore, required to be passed in the matter and the writ petition stands disposed of accordingly.

Urgent xerox certified copy of the order shall be given to the learned advocates for the parties as early as possible.