

In Re: Soumitra Kumar De

In Re: Soumitra Kumar De

SooperKanoon Citation : sooperkanoon.com/852289

Court : Kolkata

Decided On : Jun-23-1981

Reported in : AIR1982Cal32

Judge : B.C. Ray, J.

Acts : [Constitution of India](#) - Article 226; ;Calcutta University Act, 1966 - Section 53

Appellant : In Re: Soumitra Kumar De

Advocate for Def. : S. Mukherjee, ;D.K. Bakshi and ;S.K. Chakraborty, Advs. for Principals University College of Law, Calcutta (Respondent No. 4)

Advocate for Pet/Ap. : R.N. Mitra and ;N.C. Saha, Advs.

Judgement :

ORDER

B.C. Ray, J.

1. After having heard Mr. Mitra, learned Advocate for the petitioner and Mr. Mukherjee on behalf of the Principal, University College of Law though I was very much reluctant to interfere in this matter still after having seen the sorrowful state of affairs going on in the University Law College particularly in its Hazra Branch I am quite clear in my mind that the authorities of the college including Shri Upadhaya

the Principal. University College of Law, are not aware nor do they try to be over conscious of their duties and serious responsibilities of running this sacred Institution and to see that the students reading there are properly trained and instructed. The attendance registers have been produced before this Court and I am constrained to say that all these attendance registers clearly show in what perfunctory manner they have been kept. It appears that in several months six or seven lectures have been recorded to have been delivered by the teachers concerned: no dates have been mentioned when these lectures were delivered and it is surprising that for the rest of the month there was no record why any lecture was not delivered, if this be the state of affairs can it be expected that the students who are reading in this branch of the Law College are properly instructed? It is, therefore, useless to blame the students when the teachers are not conscious of their duties and responsibilities in the matter of imparting instruction to the students. I fail to see why the authorities of the Law College are not conscious of this state of affairs. It is not only the duty of the Law College to see that the students having not attended the required number of classes or the minimum number of classes their names should be struck off from the rolls but at the same time it is the duty of the Principal also to see that the teachers are also maintaining certain norms or discipline in the matter of holding classes in the Law Colleges and if the principal does not do so I am constrained to say that he has signally failed in his duties as Principal or Vice Principal of the Law College. It is expected that the teachers who are also highly educated persons and who occupy some responsible position in the society should be aware of their duties and responsibilities to their pupils and also to their country and they should devote their time for imparting instructions to the pupils during the period the college remains open. For the present I leave it at that. Of course I will at the same time say in this connection that it is not expected that the students will often come to this Court for having orders for enabling them to sit in the final examination of law of the Calcutta University or to get themselves declared passed. The students should be conscious of their duties and they should know that they must study hard and sincerely in order to acquire knowledge and to become successful in the Law Examination. The students should not forget that by anyhow obtaining a birth mark i. e. a certificate or passing the examination will not enable them to be successful

in their career. They should follow the norm that it is the foremost duty of a student to devote his entire energy for the pursuit of study specially in regard to Law which is a very hard and growing subject. However, I leave this matter at that. Though I am not satisfied with the state of affairs regarding the attendance of classes by the petitioner still seeing the entire state of affairs I am constrained to dispose of this application by directing the University to allow the petitioner to appear in the ensuing LL.B. Final Examination which is scheduled to commence on the 24th of June, 1981 as notified. The respondent no. 4 is directed to offer all facilities to the petitioner to allow him to sit for the ensuing final LL. B. Examination with effect from 24th June, 1981. The examination answer papers submitted by the petitioner will be duly examined by the authorities concerned or other examiners in accordance with law. The publication of the result will be kept in abeyance in respect of the petitioner till the petitioner attends classes of the final year in the current session and he secures the minimum percentage of attendance, After the petitioner secures such minimum percentage of attendance in the current year in the final Law classes the Principal of the University College of Law at Calcutta (respondent No. 4) will certify the same and send the same to the Controller of Examinations of the University of Calcutta who will accordingly publish the result of the petitioner on receipt of the same.

2. The application is thus disposed of.

3. Office is directed to send a copy of this order to the Calcutta University Council for consideration.

4. Learned Advocates for the parties may take a plain copy of this order, as prayed for.

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com