

Sk. Ruby Vs. the University Calcutta and ors.

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Court : Kolkata

Decided On : Aug-16-2010

Judge : Aniruddha Bose, J.

Appeal No. : WP No. 858 of 2010

Appellant : Sk. Ruby

Respondent : The University Calcutta and ors.

Advocate for Def. : Dr.S.Chakrabarti ; Dr. S.K.Patra ; Mr. Rajib Basak, ; Mr. Pradip Kumar Mondal, Advs.

Advocate for Pet/Ap. : Mr. N.Chatterjee, Adv.

Judgement :

THE COURT : The writ petitioner intends to get admitted to B.Ed. course being conducted by the University of Calcutta. The eligibility stipulations for admission to this course provides that a candidate has to obtain 50% marks in aggregate at the graduation level from the University of Calcutta or any other recognised University.

The writ petitioner has not been accepted for admission to the said course as she has failed to obtain the requisite percentage of marks in Honours subjects. According to the writ petitioner, she had obtained 49.9% in the Honours subjects. Learned counsel appearing for the petitioner submits that in the event a candidate obtains marks in fragment decimals which is more than .5, then the marks obtained by him ought to be rounded up to the next whole number.

In the present case, however, the last date for submission of forms is over but the interview process is still left to be concluded. In these circumstances, I am of the view that the petitioners case may be considered by the learned Vice Chancellor, University of Calcutta and if he finds that the sole reason for not accepting the petitioners form is failure on her part to meet the requisite marks in the Honours subjects in the degree course and she has actually obtained 49.9% marks in the Honours subjects, then the learned Vice Chancellor shall consider her case, ignoring the fact that the last date of filing the form is over, applying the established norm of mathematics so far as computation of decimal in fragment is concerned. Till such decision is taken by the learned Vice Chancellor, the concerned College shall keep one seat vacant and after such decision is taken, the vacancy shall be dealt with in accordance with such decision. The writ petition is disposed of accordingly.

Since the writ petition is being disposed of without calling for any affidavits, the allegations made in the writ petition shall be deemed to have not been admitted. There shall, however, be no order as to costs. Parties are to act on a photostat signed copy of this order on the usual undertaking.

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