

GAHC010021112024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/620/2024

SUPRITI BHOWMICK
DAUGHTER OF SOUBIR KUMAR BHOMICK, RESIDENT OF NATUNPARA
COLLEGE ROAD, WARD NO. 16, NEAR ANANDA APARTMENT,
BONGAIGAON, ASSAM, PIN- 783380

VERSUS

THE GAUHATI UNIVERSITY AND 2 ORS
GOPINATH BORDOLOI NAGAR, JALUKBARI, GUWAHATI- 781014,
DISTRICT- KAMRUP (M), ASSAM, REPRESENTED BY ITS REGISTRAR

2:THE CONTROLLER OF EXAMINATIONS
GAUHATI UNIVERSITY
GOPINATH BORDOLOI NAGAR
JALUKBARI
GUWAHATI- 781014
DISTRICT- KAMRUP (M)
ASSAM

3:THE DIRECTOR
INSTITUTION OF DISTANCE AND OPEN LEARNING
GAUHATI UNIVERSITY (GUIDOL)
GOPINATH BORDOLOI NAGAR
JALUKBARI
GUWAHATI- 781014
DISTRICT- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. SURAJIT DAS

Advocate for the Respondent : SC, G U

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

12.02.2024

Heard Mr. S. Das, learned counsel for the petitioner. Also heard Mr. P. J. Phukan, learned standing counsel, Gauhati University.

Issue notice, returnable 4(four) weeks.

As Mr. P. J. Phukan accepts notice on behalf of all the respondents, no formal notice need be issued. However, extra copies of the petition be furnished to her during the course of the day.

The petitioner in the present proceedings has raised the grievance with regard to the denial to her an opportunity to appear in the 1st semester repeat examinations in the subject of Master in Arts (English). The petitioner had not cleared two papers i.e. "Literature and Social History I: The Medieval, The Early Modern and the Enlightenment" and "Non-Fiction : Letter, Essay, Biography and Autobiography" in her first semester examination held in March/2019. It is the specific case of the petitioner that she is to be entitled at least three chances for appearance in the said examination including the repeat examinations. The University authorities had held repeat examinations for the said papers however the chances that were given could not be availed by the petitioner on account of her personal issues which prevented her from appearing in the examinations. However it is contended that the chances as offered are not in consonance with the norms holding the field and the petitioner is entitled to at least one more chance.

The University Authorities on 09.10.2023 had issued a further notification inviting

application from the candidates for the repeat examinations even for the MA First Semester papers. However, the said process was limited to the candidates/learners of the academic session of 2019-20. Accordingly, the petitioner was not allowed to participate in the said examination which has begun since today i.e. 12.02.2024.

In that view of the matter, this Court while not permitting the petitioner to appear in the examination inasmuch as the paper wherein she scheduled to appear has already been held today in the first half, it is provided that in the event the petitioner is successful in the present proceedings, the Gauhati University shall afford an opportunity to the petitioner to appear in the said two papers of her 1st semester of Master in Arts (English) at a later point of time. The University authorities to file their affidavit in the matter within a period of three weeks from today. The petitioner may thereafter file her rejoinder thereto, thereafter.

List this matter again on 18.03.2024 for further consideration.

JUDGE

Comparing Assistant