
(2011) 09 GAU CK 0088
In the Gauhati High Court
Case No : Writ Petition (Civil) No.6843 of 2010

Rechena Parbin

APPELLANT

Vs

Gauhati High Court and Ors.

RESPONDENT

Date of Decision : 07-09-2011

Acts Referred:

Constitution of India, 1950 — Article 226, 226

Citation : (2012) 4 GLR 559

Hon'ble Judges : I.A.Ansari, J

Bench : Single Bench

Advocate : Mr. B.Ahmed, Mr. A.M Barbhuiya, Mr. J. Islam , Mr. Junm Laskar for the petitioner.??Mr. S. Chakraborty for the respondents., Advocates appearing for Parties

Judgement

1. This is a sad, but meritless case. The petitioner got herself enrolled, in the LLB course of three years, in the Sessions 200304 at Barpeta Law College under Gauhati University. She appeared, for the first time, in LLB preliminary examination, held in December 2003. The petitioner passed LLB intermediate examination held in November 2005, and, thereafter, she passed the preliminary examination held in March 2007. After completing the preliminary and intermediate examinations, the petitioner appeared, for the first time, in LLB final examination, held in December 2007, but failed. The petitioner, again, sat in the LLB final examination held in January, 2009, wherein also she could not pass. She made the third attempt in the final examination held in December 2009, but she could not pass her final examination in the third attempt too. Having failed to clear LLB final examination within a period of six years, she submitted a representation to the respondent No. 2, namely, Controller of Examinations, Gauhati University, Guwahati, seeking to be allowed a special chance to appear in the LLB final examination in the year 2010. By his order, dated 25.10.2010, respondent No. 2 conveyed to the petitioner that she ought to have completed her course of LLB by the examination held in December, 2009. Aggrieved by the rejection of her representation seeking special chance to appear in the LLB final

examination in December, 2009, the petitioner has filed this writ petition, under article 226 of the Constitution of India, seeking issuance of appropriate direction.

2. I have heard Dr. B. Ahmed, learned counsel for the petitioner, and Mr. S. Chakraborty, learned Standing Counsel, Gauhati University, appearing on behalf of the respondent Nos. 1 and 2.

3. The core issue, in the present writ petition, is the interpretation of the Notification, dated 27.9.2007, issued by the Gauhati University, which provides as follows :

".....One special chance (4th) which will be given to the candidates to any two of the three LL.B. Examinations, (i.e., Preliminary, Intermediate or Final in which this is required) under the Regulation mentioned above provided that a candidate must complete his/her LLB Degree within six years from the date of his/her first due examination in LLB Preliminary. This will also be applicable for the candidates having back."

4. It is contended by Dr. B. Ahmed, learned counsel, that since the petitioner did not avail 4th chance in the LLB final examination, she ought to have been, under the Notification, dated 27.9.2007, aforementioned, given special chance to appear in the LLB final examination held in December, 2010. A reference, in this regard, is also made by Dr. Ahmed to the case of Chow Pinkkham Munlang v. Gauhati University and Ors., 2007 (4) GLT 878. Resisting the writ petition, Mr. Chakraborty, learned counsel appearing for the respondent University, points out that the outer limit for passing three year course of LLB is, ordinarily, 5 years under regulation 15 of the University, but under the Notification, dated 27.9.2007, a special chance (4th chance) can be availed by a candidate within a period of six years.

5. There can be no doubt that the maximum outer limit for completing a three year LLB course is six years. In fact, even in Chow Pinkkham Munlang (supra), which Dr. Ahmed relies upon, a Division Bench of this court held that in terms of the Notification, dated 27.9.2007, aforementioned, the outer limit of the requisite period of completion of three years LLB course is 6 years. Seen in this light, it becomes transparent that a student has to pass all the three examinations, namely. Preliminary, Intermediate and Final, within the maximum period of six years from the date of enrolment in the LLB course. Keeping this outer limit of six years intact as the maximum period for completion of the course, what the Notification, dated 27.9.2007, does is that it gives, one special 4th chance to every candidate to avail, in any the two of the three LLB examinations. To put it a little differently, though a 4th chance can be availed of by a candidate in any two of the three LLB examinations, namely. Preliminary, intermediate and final, the outer limit to avail the special 4th chance remains the period of six years.

6. In view of the fact that the petitioner got herself enrolled in the LLB course in the Session 200203. she ought to have, admittedly, cleared all the three

examinations, within 2009. As the petitioner failed to clear her examination within 2009, though the examinations were held, the respondent University was right in rejecting the petitioner's request to allow her to avail one more chance to appear in the final examination to be held in 2010. Situated, thus, I do not find that the impugned order, dated 25.10.2010, suffers from any infirmity, legal or factual.

7. Because of what have been discussed and pointed out above, this writ petition fails; the same is not admitted and shall accordingly stand dismissed.