

THE HON'BLE SMT. JUSTICE A. HAZARIKA

Heard Mr. S Parashar, learned counsel for the petitioner. Also heard Mr. S Chakraborty, learned Standing Counsel, Gauhati University.

Considering the grievances raised in the instant writ petition and also as agreed to by the learned counsel for the parties, this writ petition is disposed of at the motion stage itself with the following order.

Petitioner's case, in brief, is that the petitioner is a student of University Law College, Gauhati University and she duly completed the Preliminary LL.B. Examination and she appeared in the next higher class examination, i.e. Intermediate Examination and Final Examination held in March, 2007 but she could not succeed in the said Intermediate and Final Examinations conducted by the Gauhati University. However, she has only availed one chance, i.e. she has appeared in the Final Examination in the year 2006 and could clear 8 subjects in her first attempt, but she failed to clear two subjects and failed in a very less margin for grading average total marks. After issuance of notification by the Gauhati University for filling up of forms in regard to LL.B. Intermediate examination scheduled in November, 2007, she approached the University authority to allow her to fill up forms, so as to enable her to appear in the LL.B. Intermediate Examination. But the petitioner was not allowed to fill up form without showing any cogent reason, which was not in consonance with the notification dated 13.9.02. Then she approached this Court by way of filing a writ petition being WP(C) No.4989/07 and this Court vide order dated 24.9.07 dismissed the petition holding that she is not entitled to appear in terms of Regulation 14 and 15 of the LL.B. Regulation.

However, in the meantime, the G.U. issued a fresh notification vide Notification dated 27.9.07, (Annexure-IV), partially modifying the Notification dated 13.9.02 and Clause 15 of the LL.B. Regulation and the Standing Committee took a decision for giving a special chance for LL.B. Examination. As per subsequent Notification dated 27.9.07, she is eligible to appear in the Intermediate Examination. Hence, the petitioner has approached this Court by filing this instant writ petition.

In view of the above notification dated 27.9.07, it is submitted by the learned counsel for the petitioner that she may be allowed to avail one special chance as per the said notification to appear in the LL.B. Intermediate Examination scheduled to be held in November, 2007 and LL.B. Final Examination scheduled to be held on 25th December, 2007.

In view of the submission so made by the learned counsel for the petitioner, the petitioner is directed to submit a representation before the Controller of Examination, Gauhati University, Respondent No.2 and the Respondent No.2 shall pass order on the representation so submitted by the petitioner within seven (7) days from the date of submission of the representation taking into consideration the notification dated 27.9.07.

Accordingly, this writ petition is disposed of. No cost.