

**HIGH COURT OF TRIPURA
AGARTALA
WP(C) 292 of 2024**

Shri Sourav Chakraborty

.....Petitioner.

Versus

State of Tripura and others

.....Respondent.

For Petitioner(s)	: Ms. R. Purkayastha, Advocate.
For Respondent(s)	: Mr. K. De, Addl. G.A.

HON'BLE MR. JUSTICE T. AMARNATH GOUD

ORDER

23.04.2024

This writ petition is filed under Article 226 of the Constitution of India seeking following reliefs:

"I) ISSUE RULE, calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature there-of, shall not be issued, for quashing/setting aside the impugned letter dated 22.01.2024 (Annexure-C) under which the petitioner had been informed that Respondent No.4 is unable to provide the copies of his answer scripts.

II) ISSUE RULE, calling upon the respondents and each one of them to show cause as to why a Writ of Certiorari and/or in the nature there-of, shall not be issued, for quashing/setting the impugned Notification vide No.F.2-2(231)/TBSE/2009 dated 19.06.2016 declaring the same as untravires of the Constitution of India and Right to Information Act, 2005 (Annexure-D).

III) ISSUE RULE, calling upon the respondents and each one of them, to show cause as to why Writ of Mandamus, and/or in the nature, shall not be issued, for mandating/directing the respondents, to provide the petitioner the photocopies of his answer scripts.

IV) CALL FOR THE RECORDS appertaining to this petition....."

[2] The case of the petitioner in brief is that in the year 2022, the petitioner had appeared in Higher Secondary (+2) Examination under Tripura Board of Secondary Education under registration No. 58941/2016 and Roll No. 846322150030. It is contended that the petitioner appeared in all the subjects in both Term-1 Examination and had attempted some questions. But during the Term-2 Examination, he had not answered any question and had submitted blank papers in all the subjects as he was extremely ill during that period. He was sure that he would fail in the examination. But he became surprised, when the result was declared, as he had passed with a grand total mark of 279 out of

500 i.e. with Grade B+, which according to him is not possible. Finding no other alternative, on 02.01.2024, the petitioner had submitted an application under RTI Act for supplying him the copies of his answer scripts. But by the impugned letter dated 22.01.2024, the petitioner had been informed that TBSE (Tripura Board of Secondary Education, in short) is unable to provide the copies of his answer scripts. It had been further submitted that by the Respondent No.4 that a candidate is allowed to inspect his/her answer script by self-inspection on an application made within 25 days of publication of his result under Notification vide No.F.2-2(231)/TBSE/2009 dated 19.06.2016. Aggrieved thereby, the petitioner has preferred the present petition seeking the reliefs as quoted earlier.

[3] Ms. R. Purkayastha, learned counsel for the petitioner submits that the stand of respondents in informing the petitioner in reply to his RTI application that they are unable to provide the copies of his answer scripts, is completely arbitrary and illegal. The respondents cannot curtail the right of the petitioner assured to him as the right under RTI Act is a dominant right. She, therefore, urges this Court to set aside the impugned letter dated 22.01.2024 and allow the instant writ petition.

[4] Mr. K. De, learned Addl. G.A. representing the State opposes the said submission of the learned counsel for the petitioner and prays to dismiss the instant writ petition as devoid of merits.

[5] Heard the submissions made at the Bar. Perused the record.

[6] After hearing the submission made by the learned counsel for the parties and on perusal of record, this Court is of the opinion that the petitioner appeared in the Higher Secondary (+2 stage) Examination more than two years back (i.e. in the year 2021-22). After waiting for a long time over the issue, on 02.01.2024, the petitioner had submitted an application under RTI Act for supplying him the copies of his answer scripts. There was clearly laches on the part of the petitioner. Moreso, the petitioner by filing this writ petition cannot make out any legal infringement to set aside the impugned letter dated 22.01.2024.

[7] In view of the above, this Court opines that this instant petition filed by the petitioner is liable to be dismissed as devoid of merit and accordingly the same is ordered.

As a sequel, miscellaneous application(s), pending if any, shall stand closed.

JUDGE

Sabyasachi. G.

**SABYASACHI
GHOSH**

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