

W.P.A. 1088 OF 2021

(Through Video Conference)

Prahlad Sanki

Vs.

The State of West Bengal & Ors.

Mr. Rudra Jyoti bhattacharjee
Ms. Debjani Ghosal.

... For the Petitioner

Mr. Bhaskar Prasad Vaisya
Mr. Sagnik Chatterjee.

... For the Respondents/
State.

Dr. Chapales Bandyopadhyay
Ms. Supriya Dubey
Ms. Debalina Chakraborty.

... For the Respondent
no. 2/ Commission.

Ms. Nandini Mitra

.... For the Respondents
no. 3 to 5.

1. This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by the inaction on the part of the respondent authorities in not allowing the writ petitioner from uploading a marksheet dated December 5, 2016 that was obtained by the writ petitioner subsequent to an order passed by a coordinate Bench of this Court on January 10, 2017.

2. The case of the petitioner is that due to certain mismatches in the Admit Card, the marksheet was not made available to the petitioner. However, by a certificate dated September 27, 2016, the petitioner was informed that he

had obtained 889 marks. The above communication was made by the Controller of Examination, West Bengal State University.

3. The petitioner did not qualify as an eligible candidate under Rule 12(2) based on the above certificate. The petitioner now contends that the actual marksheet that he has received says that he has obtained 953 marks and the same would now make him an eligible candidate.

4. I have heard counsel appearing on behalf of the parties. Though the contention of the petitioner has some merit, I am of the view that at the present moment, no sympathy can be extended to the petitioner as the list of eligible candidates cannot be changed as per the order dated December 11, 2020 passed by Justice Moushumi Bhattacharya. The order categorically states that the process shall continue from Rule 12(3) onwards.

5. In light of the same, no further order can be passed in this writ petition and the same is disposed of.

6. Since no affidavit-in-opposition is called for, the allegations made in the writ petition are deemed not to have been admitted.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities.

(Shekhar B. Saraf, J.)