

Court No. 17

WPA 12242 of 2021

05.08.2021

(AD 10)

(S. Banerjee)

The Managing Committee, Nischintapur R. D. High
School (XI & XII) & Ors.

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Subir Sanyal

Ms. Sumouli Sarkar

Mr. Sagnik Roy Chowdhury

... for the petitioners

Mr. Bhaskar Prasad Vaisya, AGP

Mr. Arindam Chattopadhyay

Mr. Shamim ul Bari

... for the State

Mr. Santanu Kumar Mitra

... for the Council

This is an application filed by the school, namely, Nischintapur R. D. High School (XI & XII) stating that two of their students, though paid the examination fees, did not sign the enrolment Form. The names of the students are Pritikana Maity and Tarif Hossen Molla. The school's prayer before this court is that they should be allowed now to put their signature in the enrolment Form so that their results can be declared by the West Bengal Council of High Secondary Education ('the Council', for short).

Learned advocate for the Council has vehemently opposed such prayer by stating that this completely goes against the Regulation framed by the Council, namely, West Bengal Council of High Secondary Education (Examination) Regulations, 2006, being regulation nos. 10(2) and 10(3). Further the result of the Higher Secondary examination has already been published.

Learned advocate for the Council further submits that if this prayer is allowed by this court, thousands of students may come before this court or before the Council armed with the judgement and order passed by this court and the Council has already instructed their learned advocate that such a situation would be extremely difficult as the Council cannot violate its own rules. This will also open a flood-gate for similar applications. He also submitted that the enrolment Form was filled up on 7th January, 2021 which was signed by the headmaster on 20th January, 2021 and sent to the Council thereafter and in the meantime the school did not raise any question as to not putting the signature by the two students when all other students, except one or two, out of 232 sent up candidates put their signatures in the enrolment Form. These two students in respect of whom the school is making prayer, were also sent up candidates but their candidature has not been considered by the Council as there was no signature of the student in the enrolment Form.

Learned advocate for the petitioner has submitted that the examination fees were paid by those two candidates.

If those two students want refund of the fees, they can do so. However, Mr. Sanyal, learned advocate for the school, has categorically stated that they will not take any step for refund of the fees as it is not required.

This court cannot shut its eyes to the extremely irresponsible and irregular act of the school and also the students in not signing the enrolment Form and coming to court after six months from the date of filling up the enrolment forms. Any favourable order given to the school in favour of the two students by this court

will really open a flood-gate for such applications which would create immense problem for the Council.

In such circumstances I am not inclined to pass any favourable order as has been prayed for by the school in respect of the said Pritikana Maity and Tarif Hossen Molla and as such this writ application is dismissed.

(Abhijit Gangopadhyay, J.)