

Court No. 17

WPA 14373 of 2021

15.11.2021

(AD 23)

(S. Banerjee)

Sri Debkumar Mondal

Vs.

The State of West Bengal & Ors.

(Via Video Conference)

Mr. Debasish Das

... AoR for the petitioner

Mr. Jahar Dutta

Ms. Neelam Singh

... for the State

Ms. Koyeli Bhattacharya

... for the WBBSE

Mr. Abhishek Halder

Mr. Swadeh Misra

... for the respondent nos. 9 and 10

Let the affidavit of service filed in court today be kept on record.

The petitioner's prayer is for a direction upon the respondent nos. 3 to 6, i.e., The President, The Secretary and other officers for issuance of a mark-sheet of Madhyamik Pariksha (secondary examination), 2021 of his son who was a student of Bagati Ramgopal Ghosh High School.

Learned advocate for the West Bengal Board of Secondary Education Ms. Bhattacharya has submitted that no filled up form for the student was sent to the Board and there is absolutely no question of issuance of any mark-sheet or any document as to his qualifying in the said Madhyamik examination.

Learned advocate for the school and its headmaster, Mr. Halder has drawn my attention to page 22, a letter dated 23rd August, 2021 issued by the headmaster of the school addressing the President of the Board stating that the petitioner's son could not fill up the form and also intimating that it was the school's mistake that it could not contact with the student within the stipulated time. He has also submitted that there is no document showing payment of fees by the student for sitting in the said Madhyamik examination.

The petitioner has relied upon his own annexed document (Annexure P-6), i.e., the letter of the school where it is clearly admitted that the student could not fill up the form.

Learned advocate for the Board has intimated this court that the result was published on 20th July, 2021. Annexure P-6 was issued on 13th August, 2021 and the writ application has been affirmed on 6th September, 2021.

It is not understood why the petitioner was waiting for such a long time after publication of the result for filing this writ application. Anybody can guess the relationship between the date of school's letter and the affirmation of the writ application.

As the student, the son of the petitioner herein, did not pay the examination fee which is evident as no such document has been annexed to the writ application and as admittedly the petitioner's son did not fill up the form, the writ application does not have

any merit and the same is dismissed, however, without any order as to costs.

(Abhijit Gangopadhyay, J.)