

29.11.2021  
SL No. 28  
Court No. 24  
(P.M.)

**WPA 15792 of 2021**

**Masud Shah  
Vs  
The State of West Bengal & Ors.  
(Via Video Conference)**

Mr. Sajal Kumar Ghosh  
... for the petitioner

Mr. Bhaskar Prasad Vaisya,  
Mr. Sagnik Chatterjee  
... for the State

Mr. Ratul Biswas  
... for the Board

Affidavit of service filed in court is taken on record.

Being aggrieved by the marks awarded to the petitioner in TET 2014 the petitioner applied under the Right to Information Act for collecting OMR answer sheet.

In response to the application made by the petitioner under the Right to Information Act, 2005, the Secretary of the West Bengal Board of Primary Education by a communication dated 21<sup>st</sup> October, 2016 directed the petitioner to deposit a sum of Rs. 500/- only being the requisite cost for supply of the photocopy/digitized data of OMR answer sheet within a month from the date of receipt of the letter.

The grievance of the petitioner is that the OMR sheet has not been supplied to him till date.

The petitioner refers to a communication dated 3<sup>rd</sup> March, 2021 issued by the Board wherein it has been mentioned that as per the judgment dated 22<sup>nd</sup> April, 2019

in writ petition Nos. 6135(W) of 2019 and 5704 (W) of 2019 the obligation of the West Bengal Board of Primary Education to preserve the OMR sheet has expired on 9<sup>th</sup> November, 2016.

The petitioner prays for a direction upon the respondent authorities to furnish the information sought under the Right to Information Act.

The learned advocate representing the West Bengal Board of Primary Education submits, upon instruction, that the petitioner appeared in TET 2012 and TET 2014 but he did not qualify in the same.

The petitioner applied under the Right to Information Act for collecting the answer sheet. The Board directed the petitioner to submit the necessary fees but the petitioner did not submit the fees as directed.

The time for collecting the OMR answer sheet expired on November 9, 2016 and the Board is not required to preserve the sheets any further.

From the aforesaid submission it appears that the petitioner failed to deposit the necessary fees for obtaining the OMR answer sheets way back in 2016. The petitioner in the year 2021 cannot come up with the stale claim of providing the OMR answer sheet in respect of the examination which was conducted in the year 2015 and result declared in the year 2016.

In that view of the matter, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

The instruction given by the Board is retained with the records.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

**(Amrita Sinha, J.)**