

08.10.2021

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Sl. No. 06

Ct. No. 05

WPA 16772 of 2021
[Via Video Conference]

Annesha Mazumder
-Versus-
Union of India & Ors.
(Via Video Conference)

Mr. Debanik Bnaerjee
Mr. Mainak Swarnakar
Mr. Aniruddha Ganguly

.... for the petitioner

Mr. U.S. Menon
Mr. Abhiru Chakraborty

.... for respondent Nos. 2, 3 and 4

Ms. Supriya Dubey

... for SSC

Ms. Pratiti Das

... for respondent No. 5

Writ petitioner was one of the candidates for the examination namely, Senior School Certificate Examination(Class XII), 2021. The grievance of the writ petitioner is that on publication of result, it was found by her that she was declared absent in two subjects namely, Bengali and APP/Commercial Art. The case which has been made out by the petitioner is that she should not have been declared absent in those two subjects. It has also been submitted that the discrepancy may have been cropped up due to forwarding wrong particulars of performance of the writ petitioner by the school authority where petitioner studied Higher

Secondary course, to the Central Board of Secondary Education(for short “CBSE”).

Mr. Banerjee, learned advocate, appearing for the writ petitioner has drawn the attention of this Court to page-33 of the writ petition wherefrom it appears that the school authority subsequently forwarded the marks obtained by the petitioner in those two subjects vide e-mail dated 20th July, 2021 to CBSE authorities for doing the needful and in the said letter, school authority said that due to technical error, previously wrong data was transmitted to the office of the said examining body. Petitioner prays for issuance of revised mark-sheet on the basis of the marks forwarded by the school authority vide e-mail letter dated 20th July, 2021.

Mr. Menon, learned advocate, appears on behalf of the CBSE authorities and submits on instructions that previously the mark-sheet was issued to the writ petitioner, at age-35, was based on the input forwarded by the school authority. In the meantime, the school authority vide letter dated 20th July, 2021 informed the actual marks obtained by the writ petitioner in those two subjects. Therefore, there is no impediment in issuing revised mark-sheet in favour of the writ petitioner.

This Court has considered the submissions of the learned advocates representing parties to this writ petition and directs the concerned authorities of CBSE to issue revised mark-sheet to the writ petitioner on the basis of the marks obtained by her in Bengali and APP/Commercial ART which was forwarded by the school authority to the CBSE authorities vide e-mail letter dated 20th July , 2021 along with marks obtained in other subjects within 10 days from this date upon surrendering original mark-sheet which has already been issued to her.

With the above direction, the writ petition is disposed of.

There shall be no order as to costs.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)