

Court No. 24
23.03.2022
(Item No. 27)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

W.P.A. 573 of 2022

Md. Saraphuddin Mandal
VS
The State of West Bengal & Ors.

Mr. Robiul Islam
Mr. Raju Mondal
..... for the petitioner
Mr. Supriyo Chattopadhyay
Ms. Jyotsna Roy Mukherjee
..... For the State
Mr. Ratul Biswas
..... for the Board

The petitioner is aggrieved by the act of the West Bengal Board of Primary Education in declaring him unsuccessful in the interview as the petitioner failed to obtain minimum 45% marks in Graduation.

According to the petitioner, he obtained more than 45% marks in the Graduation Examination conducted by the University of Calcutta.

The petitioner passed the B.Sc. (Two Year Pass) Examination, 2001 in two chances. First in the year 2001, when he obtained compartmental in one subject and thereafter, he cleared the compartmental paper in the year 2002. The petitioner scored 30 marks in the Compulsory Additional Paper on Language. The petitioner claims that he is entitled to 10 marks which is in excess of the 20 marks in the said Compulsory Additional Paper.

The mark sheet issued by the University of Calcutta annexed to the writ petition mentions that the Compulsory

Additional paper on Language is of full marks 100 in which there is no pass marks, but appearance at the examination in this paper is compulsory and score in excess of 20 will be added to the total marks, if the candidate passes the examination as a whole.

The petitioner in the instant case failed to pass in all the subjects of the examination in one go. He passed the subjects barring one in the year 2001 and the single paper in the year 2002. Accordingly, it cannot be said that the petitioner passed the examination as a whole.

The West Bengal Board of Primary Education sought for instructions from the Controller of Examinations, University of Calcutta as to whether the petitioner will be entitled to 10 marks which is in excess of 20 marks be obtained in Compulsory Additional paper on Language.

The Controller of Examinations intimated the Board that as the petitioner failed to pass in all subjects in one chance in the same examination; he will not get the benefit of the additional marks.

In view of the instruction of the University and the regulation of the University of Calcutta, the petitioner will not be entitled to the excess marks as he did not pass the examination in one go. The petitioner cannot claim the benefit of 10 marks which he scored in excess of 20 marks. Without the 10 marks the petitioner fails to obtain 45% marks in the Graduation Examination and as such he becomes ineligible to appear in the selection process.

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

The writ petition fails and is hereby dismissed.

Instructions given by the Controller of Examinations, University of Calcutta be retained with the records.

Urgent certified photo copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)