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17.05.2022
Court No.24
B.M.

In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side

WPA 8774 of 2015

Dilip Chandra Roy
Versus
The State of West Bengal & Ors.

Mr. K. M. Hossain
Ms. Keya Sutradhar
... for the petitioner
Ms. Chaitali Bhattacharya
Mr. Kartik Chandra Kapas
... for the State
Mr. Santanu Kumar Mitra
... for WBBSE
Mr. Md. Sarwar Jahan
Ms. Mousumi Mitra
... for the respondent no.9

Pursuant to the direction passed by the Court on 26th April, 2022, the Secretary, West Bengal Board of Secondary Education has filed a report dated 13th May, 2022 annexing the copy of the descriptive roll and the verification report in connection with the mark sheet relied upon by the petitioner in respect of his Madhyamik Examination, 1978.

It appears from the marks as reflected in the descriptive roll that the petitioner was unsuccessful in the Madhyamik Examination. The mark sheet which has been relied upon by the petitioner annexed at page

19 of the writ petition does not tally with the marks awarded by the Board.

It is the specific contention of the respondents that the mark sheet relied upon by the petitioner is a fake one.

Learned advocates for the respondents submit that the certificate allegedly issued by the West Bengal Board of Secondary Education, which is annexed at page 20 of the writ petition, is also a duplicate certificate.

A perusal of the said duplicate certificate reveals that the date of birth of the petitioner has been over written in the said certificate. It is clear that the said certificate is also a false and fake document.

The service of the petitioner was terminated by the Additional Executive Officer, Nadia Zila Parishad on the ground that the petitioner joined service in the SSK relying upon a fake certificate.

An FIR was also lodged against him. The petitioner was however, acquitted in the said criminal case by judgment and order dated 26th November, 2021 passed by the Additional Chief Judicial Magistrate, Krishnanagar, Nadia on the ground that the prosecution failed to establish the guilt of accused person. The witness in the criminal case submitted that the documents of the School were destroyed in the flood of 2002 and accordingly, no evidence or document

could be shown whether the petitioner was a student of the School or not.

As it appears there is conclusive evidence from the West Bengal Board of Secondary Education that the petitioner was unsuccessful in the Madhyamik Pariksha Examination held in April, 1978 accordingly, the document to show that he passed the said examination cannot be accepted to be a true and genuine one.

Hence, no relief can be granted to the petitioner in the instant case.

The writ petition fails and is hereby dismissed.

Report filed by the Secretary, West Bengal Board of Secondary Education be retained with the record.

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

(Amrita Sinha, J.)