

17-08-2022
ct no. 13
Sl.26
sp

WPA 17568 of 2022

Ankit Kundu

-Versus-

The State of West Bengal & Ors.

Mr. Rabindranath Mahato,
Mr. Aritra Shankar Ray

...for the petitioner

Mr. Tapan Kr. Mukherjee

...for the State

Mr. Santanu Kr. Mitra

....for the WBCHSE

The order dated August 12, 2022 is mentioned
for correction.

In the third line of the third paragraph of the
second page of the said order, the expression 'Higher
Secondary Education' shall stand corrected to read
as 'Higher Secondary Examination'

In the fourth line of the third paragraph of the
second page of the said order, the expression 'West
Bengal Council for Higher Secondary Education
Examination' shall stand corrected to read as 'West
Bengal Council for Higher Secondary Education'.

In the third paragraph of the second page of
the said order, after the seventh line, the following
sentences should be added.

"Mr. Santanu Mitra, learned counsel appearing
for the West Bengal Council for Higher Secondary
Education and Mr. Tapan Kr. Mukherjee, learned

counsel appearing for the State submit that in the normal process, the petitioner is required to apply for answer scripts only through the Right to Information Act, 2005. They submit that the answer script shall be provided to the petitioner within 7 days of such application.

Mr. Mahato, learned counsel appearing for the petitioner submits that his client shall apply under the Right to Information Act, 2005, to the respondents by tomorrow (18.08.2022). If such application is made by tomorrow (18.08.2022) as stated, Mr. Santanu Mitra, learned counsel for the West Bengal Council for Higher Secondary Education, submits that his client shall supply the answer scripts within 7 days of such application, i.e., by August 25, 2022.

The aforesaid order is passed, since Mr. Mitra and Mr. Mukherjee have submitted that as a practice, the Council does not entertain any request for supply of answer script except under the provisions of the RTI Act of 2005.

This Court does not wish to pronounce upon the propriety of such a practice in the instant case given the urgency of the petitioner.

Mr. Mukherjee and Mr. Mitra also dispute that the petitioner's rank in the Joint Entrance Examination could have been 292. Steps are being taken by the Council to ascertain the veracity of the

petitioner's submission and the records produced in the writ petition.

Let the aforesaid corrections be incorporated in the order dated August 12, 2022.

The other parts of the said order shall remain unaltered.

The Department is directed to make necessary corrections.

(Rajasekhar Mantha, J.)