

29.8.2023

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**WPA 2602 of 2018
with
CAN 1 of 2022**

Sayantana Kabiraj
Vs.
State of West Bengal & Ors.

Mr. Jayanta Narayan Chatterjee
Mr. Debashis Banerjee
Mr. Supreem Naskar
Ms. Pritha Sinha
... For the petitioner.

Mr. Amitava Chaudhuri
Mr. N. Roy
... For the Board.

Re: IA No. CAN 1 of 2022

This is an application for restoration.

Having considered the averments made in paragraph 9 of the restoration application, I am of the view that the petitioner has sufficiently explained the reason for his non-appearance before this Court of February 20, 2019.

Accordingly, the order dated of February 20, 2019 is recalled and the writ petition is restored to its original file and number.

CAN 1 of 2022 is allowed.

WPA 2602 of 2018

In this writ petition the petitioner has, inter alia, prayed for an order directing the West Bengal Joint Entrance Examinations Board and others to admit the

petitioner following his performance in West Bengal Joint Entrance Examination, 2017.

Mr. Amitava Chaudhuri, learned advocate appearing on behalf of the West Bengal Joint Entrance Examinations Board, submits that the rank card, appearing at page 33 of the writ petition that showed the rank of the petitioner as 953 in Engineering and 383 in Pharmacy, is forged. By referring to page 49 of the writ petition Mr. Chaudhuri submits that actual ranks of the petitioner in Engineering and in Pharmacy were 18953 and 35383 respectively. A criminal case was registered against the petitioner for forging his rank card. The investigating agency upon conclusion of the investigation has filed a chargesheet against the petitioner. The petitioner is now facing trial following filing of the chargesheet.

Since the rank of the petitioner in the relevant examination has been seriously disputed by the State, no relief can be granted to the petitioner in this writ petition.

In any event, the petitioner at this juncture cannot be admitted to any college following his performance in the Joint Entrance Examination held in the year 2017.

Accordingly, **WPA 2602 of 2018** is dismissed.

Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)