

16.02.2023  
(D/L-13)  
Ct.-18  
(Susanta)

W.P.A. 3684 of 2023

Asit Dhara & Ors.

-Vs-

The State of West Bengal & Ors.

Mr. Sarwar Jahan,  
Mr. Siddhartha Sarkar,  
.... For the Petitioners.

Mr. Debdutta Sen,  
Mr. Abir Lal Ghosh,  
Mr. Malay Kumar Seal,  
.... For the Respondent Nos. 8 & 9.

Ms. Koyeli Bhattacharyya,  
.... For the W.B.B.S.E.

Mr. Biswabrata Basu Mallick,  
Mr. Sayan Ganguly,  
.... For the State.

Affidavit-of-service filed on behalf of the  
petitioners be kept with the record.

The sons of the petitioners are all students of  
Class X of the Ramkrishna Mission Sarada  
Vidyapith (H.S), Joyrambati, District- Bankura,  
who are supposed to appear in the ensuing  
Madhyamik examination 2023, but they failed to  
pass the test examination, as a consequence the  
School authority did not allow them to fill up the  
form of the said examination.

The petitioners are praying that their sons  
may be allowed to fill up their forms so that they  
can participate in the said examination.

The school's policy is that only those students securing 50% Marks in aggregate in the test examination shall be allowed to participate in the said examination. The sons of the petitioners have failed to achieve the said standard.

Mr. Sen, learned Counsel appearing on behalf of the said School Authority submits that the sons of the petitioners not only have failed to score the desired marks but their attendance was also poor and they did not submit their projects, the school in spite of its best effort could not improve their shortcomings.

Mr. Jahan, learned advocate for the petitioners though did not dispute the said contention of Mr. Sen but prayed that at least the son of the petitioner no. 1, namely Sriman Abinash Dhara may be permitted to participate in the said examination as he has passed in all subjects and has secured 36.98% in the test examination.

The petitioner no. 1 is a poor cultivator, considering socio-economic background of the family, said Sriman Abinash Dhara is allowed to fill up the form of the Madhyamik examination 2023.

The last date of filling up the form of the said examination is over, as a special case, said Sriman Abinash Dhara may be allowed to fill up the form of the said examination. The said student, for the

said purpose shall contact the Headmaster, the respondent no. 9 herein by tomorrow (**17.02.2023**), who shall then take appropriate steps for and sending the duly filled in form of the said examination of the said student to the West Bengal Board of Secondary Education(WBBSE), the respondent no. 2 herein.

The respondent no. 2, in turn shall take immediate steps for issuance of the admit card of the said examination to the said student.

It is made clear that the respondent no. 9 is only obliged to send the duly filled up form of the said student to the respondent no. 2.

It is further made clear that this order shall not be treated as a precedent.

With the above observations, W.P.A. 3684 of 2023 is disposed of. However there shall be no order as to costs.

Parties to act on Server Copy of this order duly downloaded from the official *Website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

**(Biswajit Basu, J.)**