

95 09.03.2023
Sc Ct. no.22

WPA 4947 OF 2023

Shree Pal

Vs.

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta

Ms. Dipa Acharyya.

....For the Petitioner

Mr. Tapash Kr. Bhattacharya

Mr. Aviroop Bhattacharya

Mr. Bishnu Prosad Singha Roy.

....For the Respondent
No.5

Today, in view of the unfortunate demise of a learned senior member of the Bar, the Bar Library Club had adopted a resolution not to participate in the judicial proceeding because the members would go and visit the last ritual of the learned senior member to pay their respect. Such resolution has also been adopted by the other two wings of the Bar. At the first sitting of this Court, this fact was informed to this Court.

However, considering the extreme urgency involved in this matter, as the future and educational career of an aspirant in the Higher Secondary Examination, 2023 which is scheduled to be commenced on and from March 14, 2023 is in issue, this writ petition is being taken up.

The petitioner is an aspirant for the Higher Secondary Examination, 2023. The examination is scheduled to be commenced from March 14, 2023.

Drawing attention to pages 12 and 19 to the writ petitions, the writ petitioner contended that the petitioner could not appear in the pre-Higher Secondary Test Examination, held by the relevant school for evaluating the aspirants for the Higher Secondary Examination, 2023. The petitioner submitted that there was a serious domestic violence in the family of the petitioner, as a result, the petitioner could not appear in the pre-Higher Secondary Test Examination. The petitioner claimed in this writ petition that this Court should direct the petitioner to give a licence to appear in the Higher Secondary Test Examination, 2023 even without appearing in the pre-Higher Secondary Test Examination held by the relevant school.

Mr. Tapash Kumar Bhattacharya, learned advocate appearing for the respondent no.5, the Head Master of the School submitted that the petitioner did not even comply with any of the pre-conditions to appear in the pre-Higher Secondary Test Examination held by the concerned school. The petitioner did not attend the course during the academic session. The petitioner did not even submit the project paper. The petitioner did not fill up the enrolment form. The petitioner also did not appear in the practical examination held by the concerned school.

Considering the rival submissions made on behalf of the parties and considering the materials on record, from the writ petition, it is clear that the petitioner chose

not to appear in the pre-Higher Secondary Test Examination held by the concerned school to evaluate the aspirants. No exceptional or the rarest of rare ground has been made out in the writ petition so that this writ Court can exercise its equitable jurisdiction.

If this type of writ petition is entertained by this court, then it would amount to give a licence to an irregular student, without any exceptional cause, the same is not permissible in law.

The petitioner cannot be allowed to jump one step without being evaluated by the school in its pre-Higher Secondary Test Examination, which is a procedure established in law.

For the foregoing reasons and discussions, this Court is of the firm opinion that this writ petition is totally devoid of any merit and should not be entertained at all.

Since affidavits are not called for, the allegations made in the writ petition are deemed not to have been admitted by the respondents.

In view of the above, this writ petition, **WPA 4947 of 2023** stands dismissed, without any order as to costs.

(Aniruddha Roy, J.)