

27.6.2023

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WPA 13820 of 2023

Debarun Patra

Vs.

The State of West Bengal & Ors.

Mr. Simanta Kabir

Mr. Nirjhar Nath

Mr. Avik Pramanick

... For the petitioner.

Mr. Amitava Choudhuri

Mr. Subhayu Das

... For the State.

Mr. Nirmalya Roy

... For Board.

The petitioner participated in the Joint Entrance Examination conducted by the West Bengal Joint Entrance Board in 2023.

The petitioner has attached two rank cards appearing at pages 72 and 73 of the writ petition. By referring to the rank card appearing at page 72 of the writ petition, the petitioner claims to have secured the 16th rank in Engineering/Architecture and 29th rank in Pharmacy.

The petitioner submits that he subsequently downloaded another rank card on the next date which is appearing at page 73 of the writ petition. On this rank card he found his rank was changed to 1439 in Engineering / Architecture and 3285 in Pharmacy. The petitioner insists that he should be allowed to

participate in the counselling process on the basis of the rank card appearing at page 72 of the writ petition.

Having regard to the nature of the assertions made in the writ petition, this Court directed the West Bengal Joint Entrance Examination Board to file a report.

In compliance with the order dated June 20, 2023, a report has been filed by the Board. The relevant part of the report is quoted below:

“It is categorically submitted that, the Rank Card of WBJEE, 2023 contains a QR Code, scanning which, the concerned candidate can get his/her concerned Merit Rank (GMR/PMR) in Engineering/Architecture and Pharmacy. In this context, it is submitted that, the mechanism is like this, that not only the Petitioner, but any person can get anyone’s Rank, by scanning the said QR Code of anyone. In this regard, it is further submitted that, if anyone of this Hon’ble Court scans the said QR Code of the Petitioner from both the pages of the present Writ Application, he will get that, the Petitioner has ranked ‘1439’ in Engineering/Architecture (GMR) and he has ranked ‘3285’ in Pharmacy (PMR), which is evident from page no. 73 of the present Writ Application, so page 72 of the Writ Petition is a forged document, which the Petitioner has manufactured out of his own, as a result, if anyone closely notices the two pages i.e. Page Nos. 72 and 73 of the present Writ Petition, he will notice a prominent printing difference between the aforesaid two pages of the

present Writ Petition. The Petitioner has relied upon a Rank Card of WBJEE-2023, which he has claimed to have download from the Official Website/Server of the West Bengal Joint Entrance Examinations Board on May 26, 2023 (Page No. 72 of the Writ Petition) at 4:06 PM, but the QR Code contained in the said Rank Card, if scanned, will show that the Petitioner has ranked '1439' in Engineering/Architecture (GMR) and he has ranked '3285' in Pharmacy (PMR), which is tallying with the Rank Card annexed at Page No. 73 of the Present Writ Petition. Threfore, it is categorically submitted that the Rank Card which the Petitioner has downloaded on May 26, 2023 which is annexed at page no. 72 of the Writ Application is a manufactured and fabricated one and for this very reason, the Petitioner has not disclosed the source, from where he has downloaded the alleged document, which has been annexed at Page No. 72 of the present Writ Petition.

I crave leave to show the mechanism before this Hon'ble Court from any Android Phone to show the actual rank of the Petitioner and to make appropriate submissions in this regard before the Hon'ble Court, at the time of hearing, if necessary.

I further crave leave to show the differences between the aforesaid page nos. 72 and 73 of this Writ Petition, before this Hon'ble Court, at the time of hearing, if necessary.

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In this context, it is submitted that in Reply to the aforesaid mail dated 21.06.2023, the National Informatics Centre (NIC), New Delhi, through mail dated 22.06.2023, has informed the

Respondent Board that, the GMR and PMR ranks of the Rank Card, which the Petitioner herein has alleged to have downloaded on May 26, 2023 is not matching with the QR Code, contained in the said Rank Card. In this context, it is further submitted that the National Informatics Centre (NIC), New Delhi had also provided an activity ID of the Petitioner herein for the perusal of the Board and by going through the said activity ID, it was detected by the Board, the Petitioner herein has never logged into the Official Website/Server of the Respondent Board on 26.05.2023 at 04:06 PM. Therefore, it is categorically submitted that, the Rank Card relied upon by the Petitioner which he has alleged to have downloaded on 26.05.2023 at 04:06 PM is a fabricated and manufactured document and this kind of activity on the part of the Petitioner herein amounts to fraud.

It is further submitted that, from the office record of the Respondent Board, it was detected by the Respondent Board that, the name of the actual candidate, who has secured a GMR '16' in Engineering/Architecture is Mr. Aryaan Sinha son of Bhupesh Sinha and he has secured 81.5833 in Physics and Chemistry (PC) instead of 83.1666 (as reflected in the fabricated and/or manufactured Rank Card relied upon by the Petitioner) and the concerned candidate who has secured GMR '16' in Engineering/Architecture had secured 71.2500 in Mathematics (M) instead of 78.7500 (as reflected in the fabricated and/ manufactured Rank Card relied upon by the Petitioner). Moreover, in this context, it is submitted that the total marks obtained by the concerned candidate who has

secured GMR '16' in Engineering/Architecture is 152.8333 instead of 161.9166 (as reflected in the fabricated and/or manufactured Rank Card relied upon by the Petitioner).

In this context, it is also submitted that, from the office record of the Respondent Board, it was detected by the Respondent Board that, the name of the actual candidate, who has secured a PMR '24' in Pharmacy is Mr. Nikhil Sultania son of Sandeep Kumar Sultania and he has secured 83.7500 in Physics and Chemistry (PC) instead of 83.1666 (as reflected in the fabricated and/or manufactured Rank Card relied upon by the Petitioner) and the concerned candidate who has secured PMR '24' in Pharmacy had secured 70.7500 in Mathematics (M) instead of 78.7500 (as reflected in the fabricated and/or manufactured Rank Card relied upon by the Petitioner). Moreover, in this context, it is submitted that the total marks obtained by the concerned candidate who has secured PMR '24' in Pharmacy is 154.5000 instead of 161.9166 (as reflected in the fabricated and/or manufactured Rank Card relied upon by the Petitioner).

I crave leave to make appropriate submissions before this Hon'ble Court at the time of hearing, if necessary.

I further crave leave to produce relevant documents in this regard at the time of hearing, if necessary.

In this context, it is categorically submitted that, due to pendency of the present Writ Petition being W.P.A. No.13820 of 2023, the West Bengal Joint Entrance Examinations Board is not in a

position to take any legal steps against the Petitioner herein for committing such a grave offence amounting to fraud and for tarnishing the image of the Respondent Board.”

In view of the said report, in presence of the petitioner, the QR Code appearing at page 72 of the writ petition has been scanned and it is found that the petitioner has ranked 1439 in Engineering / Architecture and 3285 in Pharmacy. This clearly matches with the ranking shown at page 73 of the writ petition, which is the second rank card.

There is no doubt that the rank shown at page 72 of the writ petition does not reflect the actual rank of the petitioner in the West Bengal Joint Entrance Examinations 2023.

Accordingly, WPA 13820 of 2023 is dismissed.

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

(Kausik Chanda, J.)