

WPA 28202 of 2017
Ashish Prasad
Vs.
The State of West Bengal & Ors.

Mr. Kumarijyoti Tewari,
Mr. Prantick Ghosh,
Mr. Siddhartha Sarkar,
Mr. Amrit Sinha,
Mr. Aniruddha Tewari

...for the Petitioner

Mr. Santanu Kumar Mitra,
Mr. Amartya Pal

...for the W.B.S.U.

To appreciate the controversy involved in this writ petition, it is necessary to quote the order dated February 6, 2023 passed in this writ petition. The said order reads:

“The controversy at the heart of this writ petition seems to have no end.

The prayer of the writ petitioner is to set aside an order dated 31st October, 2017, passed by the Registrar of the University, whereby he was communicated with a decision of the Vice-Chancellor of the University to the following effect :-

“Considering the plight of the petitioner who indeed suffered and has still been suffering, the University is ready to arrange fresh examination for the students as early as possible.”

The petitioner claims that he passed B.Sc. (Hons.) in Zoology from West Bengal State in the year 2012. He prays for a direction upon the University to release his original certificate of the said B.Sc. (Hons.) examination held in the year 2012.

In support of his claim, he has annexed the mark sheets, provisional certificate and college leaving certificate to this writ petition.

The University, on the other hand, claims that the mark sheets and certificates disclosed by the petitioner in this writ petition are fake and forged, and that there was a racket operating at the time that provided fake documents to students through applications filed under the Right to Information Act, 2005. The University alleges that the former Controller of Examination and the Assistant

Controller were part of this racket and that they have been implicated in a charge sheet filed by the Criminal Investigation Department of the State.

It has further been submitted that the University has also initiated disciplinary proceedings against the said two persons.

It has also been submitted by the University that the petitioner passed his Part I examination in 2009 and his Part II examination in 2010. However, when he appeared for the Part II examination in 2012, he failed to clear his Honours papers and was declared "fail" in the examination.

By filing a written instruction before this court, the University suggests that in 2013, the petitioner appeared for and passed the Part-III General Examination with a second division. The University has attached a copy of the mark sheet to the instruction.

Mr. Tewari, learned advocate appearing for the petitioner submits that the petitioner duly passed the Honours examination in the year 2012. All the mark sheets and other educational testimonials disclosed in this writ petition are genuine. He asserts that the petitioner never appeared in any examination of the University in the year, 2013.

This Court is flabbergasted by such unique and unusual factual disputes. This Court has proposed to have the matter investigated by an officer of the Criminal Investigating Department of the State since there is an element of criminality in this case. Both the petitioner and the University have boldly agreed to such proposed course of action.

In that view of the matter, let the Additional Director General of Police, Criminal Investigation Department, West Bengal, appoint an officer to make a preliminary enquiry into the matter. The said officer shall file the report of preliminary enquiry before this Court within a period of three months from the date of communication of this order.

List this matter after three months under the same heading.

It is expected that the petitioner as well as the University authority shall cooperate with the investigation.

The Registry shall communicate this order to the Additional Director General, CID and the learned Public Prosecutor of this Court."

Following the aforesaid order, the Criminal Investigation Department of the State investigated the matter and filed a report before this Court on August 23,

2023. A copy of the report was made over to the parties.

Today, when the matter is taken up for hearing, the university submits that after perusal of the said report, the university has decided to issue the necessary certificate in favour of the petitioner within a period of two weeks from date. The university suggests that at that relevant point of time, chaos reigned supreme in the university due to widespread malpractice of some officials that resulted in withholding of the certificate of the petitioner.

In view of the aforesaid facts, this writ petition is disposed of with a direction upon the university to issue the certificate of B.Sc. Zoology (Honours), 2012 course to the petitioner within a period of two weeks from the date of the communication of this order.

WPA 28202 of 2017 is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Kausik Chanda, J.)