

Item-1.	13-05-2024	MAT 38 of 2024 CAN 1 of 2024
sg	Ct. 8	Mandira Singha Versus Madhuri Singha & Ors.

Mr. Shuvro P. Lahiri, Adv.
Md. Habibur Rahman, Adv.
Mr. Rajesh Naskar, Adv.
...for the appellant
Mr. Debdutta Basu, Adv.
Mr. Prasanta Bishal, Adv.
...for the respondent no.1
Ms. Koyeli Bhattacharyya, Adv.
...for the W.B.B.S.E.
Mr. Samim ul Bari, Adv.
Mr. Rezaul Hossain, Adv.
..for the State

1. The report filed by the Sub-Divisional Officer, Islampur, Uttar Dinajpur is taken on record.
2. The said report has clearly stated that the District Education Officer Satna, has categorically stated that Sapna High School in Satna is neither run under M.P. Board nor CBSC or ICSC and no record of this institution is there in the said Office. In conclusion, the said report of Sub-Divisional Officer also states that the mark-sheet produced by Mandira Singha may not be from a recognized Board and in spite of best efforts, the Board concerned, from which the appellant claimed to have appeared, could not be located despite multiple efforts.
3. The appellant secured the job on the basis of a mark-sheet alleged to have been obtained from the Sapna High School. She claimed to have appeared in the M.P. Board and secured marks which is higher than the marks obtained in the

Madhyamik Examination held in the year 2013. While the mark-sheet of Madhyamik Examination in the year 2013 is not in dispute but having regard to the report filed by the Sub-Divisional Officer and in absence of any satisfactory reply showing the existence of the said school at Satna, at the relevant point of time, wherefrom the appellant claimed to have appeared and passed secondary examination under M.P. Board. The mark-sheet relied upon by the appellant could not have been taken into consideration for the purpose of deciding her eligibility criteria for the post in question.

4. Earlier we directed the Board to file an affidavit disclosing the stand of the Board, in view of the submission made earlier by Ms. Koyeli Bhattacharyya, learned Counsel representing the West Bengal Board of Secondary Education that it is unusual for a candidate to appear simultaneously in both the examinations without migration and without attending classes as there is a requirement of minimum attendance before a candidate is sent for the Board Examination. We are also of the view that it is not possible for a candidate to be simultaneously present in both the schools unless the appearance of the appellant was dispensed with by the school concerned. The dispensation of the appellant at the Sapna High School in Satna for the purpose of her appearance in the examination as well as her factum of appearance is not proved.
5. On such consideration, we do not find any reason to interfere with the order passed by the learned Single Judge. However, the direction for lodging the FIR is set aside.

6. The appeal succeeds in part.
7. The affidavit-in-opposition filed in Court is taken on record.
8. With the aforesaid observation, the appeal and the connected application are accordingly, disposed of,
9. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Soumen Sen, J.)

(Uday Kumar, J.)