

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 2323 of 2024

Debjani Das

Versus

The State of West Bengal & Ors.

For the petitioner : Mr. Tanmay Chowdhury
Ms. Ritoprita Ghosh
...Advocates

For the WBSU : Mr. Santanu Kumar Mitra
...Advocate

For the State : Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee

Heard on : 08.08.2024

Judgment on : 08.08.2024

JAY SENGUPTA, J:

This is an application praying for direction upon the respondent authorities to issue pass certificate in favour of the petitioner for the B.ED examination held in 2014-2015.

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner initially did not pass the B.ED Semester-I examination. However, upon review, her marks were increased and she was issued a proper mark-sheet in this regard on 19.08.2015. On the basis of such mark-sheet, she had prayed for issuance of pass certificate by the University, which has not been granted.

Learned counsel appearing on behalf of the University denies the allegations made in the writ petition and submits as follows. The mark-sheet which is being relied upon by the petitioner is a fake one. This would be evident from the Report filed by the University. The records of the University do not contain any such mark-sheet. In fact, the mark-sheet for the B.Ed 2nd semester, which was issued on the same day i.e., on 19.08.2015, showed that the petitioner had not cleared some subjects in the 1st semester. It is pertinent to mention that for the relevant period and for some other periods, fake mark-sheets and certificates had been issued by unscrupulous persons connected with the University and the College. The matter was investigated by the CID and a charge sheet was submitted. In fact, the Controller of Examinations of the University had to be suspended. This is an example of one such fraudulent act. It is quite interesting that although the petitioner was purportedly issued this certificate in the year 2015, she approached the University for issuance of pass certificate for the first time in 2022, about 7 years after such issuance. She has moved this Court in 2024. This has been done knowing fully well that the University does not preserve the answer sheets beyond six months.

First, the mark sheet which is being relied upon by the petitioner does not have any reflection in the records of University.

Secondly, it is quite uncanny that on the same day as the date on which the said revised mark sheet was allegedly issued, the mark sheet for the second semester was also issued showing that the petitioner had not cleared certain subjects in the first semester.

All these have to be read in the context that an FIR had to be lodged and a charge sheet submitted on the allegations that certain persons connected with the University and the College had been involved in illegal activities like issuance of fake mark sheets and certificates.

In view of the above, the petitioner has failed to establish that the mark sheet that is being relied upon by her is genuine and deserves to be acted upon.

Accordingly, the writ petition is dismissed.

However, there shall be no order as to costs.

Urgent Photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Jay Sengupta, J)