

26.02.2024
Court No.13
Item No.7
AP

WPA 4283 of 2024

**Mahadeb Nandi
Vs.
State of West Bengal and Ors.**

Ms. Sudipa Dasgupta
Mr. Arka Nandi
Ms. Sinjini Chakraborti
... For the Petitioner.

Mr. Saikat Banerjee
Mr. Ratul Biswas
Mr. Kaushik Chowdhury
... For the WBBPE.

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

1. Learned counsel for the West Bengal Board of Primary Education has obtained instructions.
2. A document showing pre-interview/aptitude test verification has been produced whereby the marks given to each candidate against academic qualifications, training, TET marks and extracurricular activities are re-verified. The writ petitioner has signed on the said document. A column against extracurricular activities is left blank. However, in respect of another candidate on the same sheet namely Prasanta Pathak, one mark has been given against extracurricular activities with the endorsement "NCC A" mentioned therein.
3. Mr. Banerjee, therefore, argues that if the writ petitioner produced on the day of verification, his

publication and certificates of Art and literature under the heading extracurricular activities, the same would have been taken into consideration and marks would have been awarded. It must, therefore, be inferred that the writ petitioner willfully chose not to produce any such evidence.

4. Mr. Dasgupta, learned counsel for the writ petitioner, however, submits that he had produced such documents and was told by the scrutinizing person that the same is irrelevant and of no consequence.

5. The writ petitioner has also chosen not to write any contemporaneous letter to the respondents until after the publication of the results. It is only then that the writ petitioner sent an email to the respondents on 2nd February, 2024 indicating his publications and sending soft copies of certificates in this regard through email.

6. The writ petitioner has clearly missed the bus.

7. However, in the facts and circumstances of the case that the writ petitioner appears to have made out a prima facie case for the purpose of one mark towards extracurricular activities under the heading of art and literature, the Secretary.

8. The West Bengal Board of Primary Education shall constitute a committee to assess the publications

and certificates of the writ petitioner and their veracity. If the publications qualify within the rules of the Board for being considered for awarding one mark under the heading extracurricular activities, let a decision be taken by the Committee in this regard and result thereof be communicated to the writ petitioner. All consequential reliefs and benefits including transferring the writ petitioner to the first panel and any consequential recommendation may be made in accordance with law.

9. Let the aforesaid exercise be completed by the Secretary of the West Bengal Board of Primary Education within a period of two weeks from date.

10. Counsel for the Board shall communicate the gist of the order to the Secretary of the West Bengal Board of Primary Education.

11. The aforesaid order is passed in exercise of extraordinary powers conferred under Article 226 of the Constitution of India and shall not be treated as a precedent.

12. With the aforesaid directions, the writ petition is disposed of.

13. There shall be no order as to costs.

14. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)