

7th May,
2024
(AK)
09

W.P.A 9146 of 2024

Dr. Manik Bhattacharya
Vs.
West Bengal Board of Primary Education and another

Mr. Sourav Kr. Mukherjee
Ms. Anjana Banerjee
Ms. Sahana Pal

...for the petitioner.

Mr. L.K. Gupta, Ld. Sr. advocate
Mr. Ratul Biswas
Mr. Kaushik Chowdhury

..for the WBBPE.

1. The report filed on behalf of the Board today be kept on record.
2. Learned senior counsel appearing for the Board also hands over a list of the serial numbers regarding which information was sought by the writ petitioner and serves a copy of the same here and now on learned counsel for the petitioner.
3. By relying on the said list, it is submitted by the Board that several of the serial numbers have been repeated several times over.
4. Learned senior counsel also places reliance on the report annexed to the affidavit filed today and contends that the results of all TET-2014 *qualified* candidates are still available in the official website

of the Board which was declared by the Board on November 11, 2022.

5. It is contended that the rest of the data is lying with an agency which was entrusted with the data processing in connection with conduct of the examinations, namely one S. Basu Roy & Company.
6. The said agency is the custodian of all confidential data relating to the entire examinations, that is, TET-2014.
7. However, the personnel conversant with the technicalities, having working knowledge over the entire process, are all in custody, taken so by the CBI on October 16, 2023 as reported by the Service Provider/Confidential Processor and they are still in custody.
8. Hence, the Board has taken a stand that it is not in a position to provide the data except which are available on the official website of the Board.
9. Learned counsel for the petitioner contends that the Board is the owner of the entire information since the agency acted only as an agent of the Board in data processing in connection with conducting the examinations.
10. However, the court has to be pragmatic in its approach.
11. The general notion of “ownership” cannot be attributed to information, particularly since the

process of arriving at such information is extremely technical and the Board having taken a clear stand that the named agency was entrusted with the function of data processing in connection with conducting the examinations, the Board cannot be attributed with knowledge of all the data regarding such technical process.

12. Hence, I find substance in the defence taken by the Board in not being able to supply information regarding the non-qualified candidates in the TET-2014 examinations.
13. However, it is made clear that nothing in this order shall preclude the petitioner, who has been indicted with offences pertaining to the said examinations and is in custody, from seeking copies of all relevant document including the information covered by the present challenge, from the jurisdictional criminal court if the ongoing investigation against the petitioner reaches the stage of filing of charge sheet and commencement of a criminal trial.
14. However, apart from such right to obtain copies of the documents in accordance with law, further right cannot be attributed to the petitioner in the context of the observations made above.

15. Accordingly, WPA 9146 of 2024 is disposed of by keeping on record the documents filed by the Board today and in the light of the above observations.
16. There will be no order as to cost.
17. Urgent photostat copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Sabyasachi Bhattacharyya, J.)