

18.01.2024
Item No.08
Court No.18
AJ.

W.P.A. 27421 of 2023

Sumit Mandal
-Vs-
The State of West Bengal & Ors.

Mr. Tarique Quasimuddin,
Mrs. Zainab Tahur.
.....for the petitioner.
Mr. Bibekananda Tripathy,
Mr. Kaustav Chatterjee.
.....for the WBCSSC.
Mr. Santanu Kumar Mitra,
Mr. Amartya Pal.
.....for the WBCHSE.

The petitioner appeared in the Higher Secondary Examination, 2023 conducted by the West Bengal Council of Higher Secondary Education(hereinafter referred to as the 'Council' in short). He was successful in the said examination but could not secure the pass marks in optional paper.

The petitioner is praying permission of the Council to take up the examination in the said optional paper again in the next year.

Mr. Quasimuddin, learned Advocate for the petitioner submits that unless the petitioner secures pass marks in his optional paper which is Physics, he would not be able to appear in the Joint Entrance Examination, as such the Council should have allowed him to sit for the examination in the said paper again in the next year.

Mr. Mitra, learned Advocate for the Council on the other hand submits that the procedures prescribed under the West Bengal Council for Higher Secondary Education (Examination) Rules 2006

regulates the Higher Secondary Examination which does not permit a successful candidate to sit for examination of the optional paper again.

Heard the learned Advocates for the parties, perused the materials-on-record.

Regulation 7 of the said Rules of 2006 lays down the criteria for eligibility to appear in the Higher Secondary examination as a 'continuing candidate', the said provision or any other provisions of the said Regulation do not allow a successful candidate to take the examination again in respect of compulsory/optional paper in which the candidate has failed to secure pass marks, the petitioner therefore is not entitled to the relief as prayed for.

W.P.A. 27421 of 2023 is accordingly dismissed without any order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)