

45 16.01.2025
rkd Ct.18

W.P.A. 631 of 2025

Partha Sarathi Pramanick

-vs-

The State of West Bengal & Ors.

Mr. Mrinal Kanti Ghosh,
Mr. Sounak Mandal

....for the petitioner.

Mr. Anjan Bhattacharya,
Ms. Anita Shaw,
Ms. Salma Sultana

....for the respondent no.9.

Mr. Yash Singhi

....for the respondent no.s.6 & 7.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBSSE.

Mr. Pinaki Dhole,
Mr. Avishek Prasad

....for the State.

The father of the student has approached this Court, *inter alia*, praying for issuance of registration certificate on completion of formalities by West Bengal Board of Secondary Education (hereinafter referred to as “Board”) which would facilitate the petitioner’s son to participate in ensuing Madhyamik Pariksha, 2025.

The learned advocate representing the petitioner submits that petitioner’s son was student of Sarisha Ramakrishna Mission Sikshamandir (H.S.), South 24 Parganas of Class-IX in 2023 but he could not pass in Class-IX annual examination

and subsequently, took admission in Class-X in Dostapur High School, South 24 Parganas. Thereafter, the student took admission in Class-X in Kapatkhanda High School (H.S.) in 2024.

It is contended that being the student of Class-X in Kapatkhanda High School (H.S.) application was made for issuance of registration certificate in order to permit the student to participate in Madhyamik Pariksha, 2025.

Second limb of submission made on behalf of the petitioner is similarly circumstanced other students in Kapatkhanda High School (H.S.) have been issued registration certificate. Therefore, if petitioner's son is denied registration certificate that would amount to gross discrimination. Petitioner prays for direction upon the Board to issue registration certificate in favour of his son.

Board, Kapatkhanda High School (H.S.) and Sarisha Ramakrishna Mission Sikshamandir (H.S.) are represented by learned advocates.

On behalf of the Board, it has been submitted since the student did not pass Class-IX annual examination conducted by Sarisha Ramakrishna Mission Sikshamandir (H.S.) in 2023 he cannot participate in Madhyamik Pariksha, 2025 since same is prohibited under Regulation 17

of West Bengal Board of Secondary Education (Examination) Regulations, 2001.

It is also submitted that in a short span of time student took transfer first from Sarisha Ramakrishna Mission Sikshamandir (H.S.) and subsequently from Dostapur High School and ultimately took admission in Class-X in Kapatkhanda High School (H.S.).

Copies of two applications for issuance of registration certificate are placed before this Court on behalf of the Board and same are taken on record.

It appears from two separate applications that first the student made application for registration being the student of Sarisha Ramakrishna Mission Sikshamandir (H.S.) in 2023 and subsequently, in 2024 another application was made for registration being student of Class-X of Kapatkhanda High School (H.S.).

The sum and substance of the submission made on behalf of the Board is in order to defy the result of annual examination conducted by Sarisha Ramakrishna Mission Sikshamandir (H.S.) the student took admission subsequently in two different schools and has made an attempt to get registration from the Board by making application

being the student of Class-X in Kapatkhanda High School (H.S.).

Having considered the submissions made on behalf of the parties and taking note of two different applications one made in 2023 and another made in 2024 from two different schools seeking registration it transpires that the student followed the wrong path in order to eschew the result of Class-IX annual examination wherein he was declared not qualified.

It has been specifically provided in Regulation 17(c) of the West Bengal Board of Secondary Education (Examination) Regulations, 2001 that the candidate has to pass annual examination at the end of Class-IX to become eligible to participate as regular candidate in Madhyamik Pariksha. Regulation 17(c) is reproduced below:-

“17. Eligibility of regular candidates to appear in the examination.—

(c) he must pass the annual examination at the end of class IX and the test examination at the end of class X.”

It has also been argued that similarly circumstanced other students have been permitted

to complete formalities relating to registration for participating in Madhyamik Pariksha, 2025 but that ought not improve the present case. If wrongly any candidate is permitted to obtain registration certificate that does not confer the right upon the student to get registration certificate which is not permissible in accordance with law.

In the present case, issuance of registration certificate in favour of other candidates excepting petitioner's son is not an issue. Therefore, the prayer of the petitioner to issue registration certificate stands refused. So that further academic year of the student may not be wasted as a special case authority of Kapatkhanda High School (H.S.) is directed to hold a special examination which is to be treated as an annual examination of Class-IX for the petitioner's son only which is to be conducted in the month of February, 2025.

If the student qualifies such examination in that event the student shall be permitted to prosecute study in Class-X in the said school for the rest of the period of 2025. Fresh application shall be forwarded to the concerned authority of the Board for registration of the student by the authority of Kapatkhanda High School (H.S.) by April, 2025 and on completion of formalities such

application for registration in connection with the son of the petitioner shall be allowed thereby Board shall permit petitioner's son to participate in Madhyamik Pariksha, 2026.

The practice found by this Court as resorted to by the student in the present case with the help of his guardian to take admission in Class-X in another school though the student was declared not qualified in Class-IX annual examination in the first school i.e. Sarisha Ramakrishna Mission Sikshamandir (H.S.) is deprecated and in the event petitioner's son would have been permitted to participate in Madhyamik Pariksha, 2025 in spite of aforesaid malpractices then the student would have received further impetus to resort to such practice in future.

Concerned authority of the Board is directed to issue show cause to the authority of Kapatkhanda High School (H.S.), District-South 24 Parganas inviting explanation as to why the student was permitted to take admission in Class-X though he was declared as failed candidate in Class-IX annual examination conducted by different school. In the event satisfactory explanation is not offered by the said school authority, Board shall be at leave to take steps

accordingly against the said school authority.

With the aforesaid directions and observations the writ petition stands disposed of.

However, there shall be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the learned Advocates for the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)