

Form No. J(2)
Item No. ML / 318
Suvendu – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 2910 OF 2024

BIPASA SAHOO

VS.

WEST BENGAL COUNCIL OF HIGHER SECONDARY EDUCATION & ANR.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Ranajit Chatterjee
Mr. Aniruddha Mitra

For the WBCHSE : Mr. Santanu Kr. Mitra

Heard on : 11.08.2025

Judgment on : 11.08.2025

SAUGATA BHATTACHARYYA, J.:

1) Affidavit of service filed on behalf of the petitioner is taken on record.

2) Petitioner passed Higher Secondary Examination conducted by the West Bengal Council of Higher Secondary Education (for short, "Council") in 2015. However, petitioner failed in Physics which was her compulsory elective subject but passed in Biology which was

petitioner's optional elective subject. In order to declare the petitioner successful in Higher Secondary Examination, 2015 in terms of Regulation 9(2) of the West Bengal Council of Higher Secondary Education (Examination) Regulations, 2006 (hereinafter referred to as "said Regulations of 2006") Physics was treated as petitioner's optional elective subject whereas Biology was treated as her compulsory elective subject thereby petitioner was declared successful.

3) Petitioner subsequently participated again in Senior Secondary School Examination (10+2) conducted by the National Institute of Open Schooling (for short, "NIOS") in April, 2017 and she was declared successful. Based on such certificate issued in favour of the petitioner by NIOS petitioner completed Basic B.Sc. Nursing Degree Course from Bagdevi College of Nursing, Bangalore and certificate was issued on 24th December, 2021. Based on such certificates relating to Basic B.Sc. Nursing Degree Course and Senior Secondary School Examination (10+2) petitioner is unable to register herself with West Bengal Nursing Council. It is submitted by learned advocate for the petitioner that while registering the petitioner West Bengal Nursing Council is taking note of Higher Secondary Examination pass certificate issued by the Council held in 2015. Petitioner prays for cancellation of Higher Secondary pass certificate issued by the Council.

4) The Council is represented by learned advocate who opposed the prayer of the petitioner on the strength of relevant provision of said Regulations of 2006 and it is submitted that such Regulations do

not permit cancellation of Higher Secondary pass certificate issued by the Council.

5) During course of hearing, question crops up whether petitioner while registering herself with NIOS for participating in Senior Secondary School Examination (10+2) disclosed her Higher Secondary pass certificate issued by the Council or not. It is submitted by learned advocate representing the petitioner that previous Higher Secondary Examination pass certificate issued by the Council was not disclosed by the petitioner at the time of registering herself with NIOS for participating in Senior Secondary School Examination to get another certificate relating to 10+2 qualification.

6) Once a candidate obtained Higher Secondary Examination pass certificate from one Board same candidate generally is not permitted to participate in 10+2 examination in order to obtain another certificate from another Board.

7) Nothing is produced on behalf of the petitioner to substantiate case made out in this writ petition that petitioner is eligible to participate in different Higher Secondary examination conducted by different Board at different point of time.

8) Furthermore, said Regulations of 2006 does not provide any provision which permits the petitioner to have her Higher Secondary Examination pass certificate cancelled keeping in view of the fact that said examination was held in 2015 and writ petition was filed on 5th February, 2024. Purpose of proviso to Regulation 9(2) is different and

a time is stipulated in said proviso for not interchanging subjects which are treated as compulsory elective or optional elective.

9) In view of aforesaid discussion, no relief can be granted to the petitioner.

10) Writ petition stands dismissed.

11) There shall be no order as to costs.

12) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)