

Item No.- 64
22.01.2025
Rohan
Court No. 8

**In the High Court at Calcutta
Civil Appellate Jurisdiction
Appellate Side**

**MAT 1934 OF 2024
with
I.A. No.: CAN 1 of 2024**

**Debjani Das
Versus
The State of West Bengal & Ors.**

Ms. Ruchira Chatterjee

... for the appellant

**Mr. Arindam Chattopadhyay,
Ms. Lipika Chatterjee**

... for the State

Mr. Santanu Kr. Mitra

... for the WBSU

1. Though the application is listed today, but after hearing the respective counsels, we do not find any justification in keeping the appeal pending before this Court.
2. We invited the counsels to address us on merit.
3. The matter pertains to a point whether the appellant has acquired the qualifying marks in one of the subject in the Semester-I examination, although, she secured more than passing marks in all subjects in the Semester-II examination. The University refused to extend the certificate pertaining to the successfully qualifying B.Ed. examination despite having issued mark-sheet indicating that she secured pass marks in all the subjects in both the semesters.
4. The stand of the University is categorical that there has been a mass malpractices having detected while issuing the mark-sheets as well as the certificate for which, an F.I.R. was lodged and after extensive

investigation, charge-sheet is filed by the C.I.D. and the case is pending before the Sessions Court. The University handed over the original mark-sheet for Semester-I examination of the appellant wherefrom, it is revealed the appellant could not secure the minimum qualifying marks in DEIC paper, which she claimed to have acquired after the review was conducted by the University.

5. The State relied upon the mark-sheet issued by the University for the Semester-I examination where the date of issuance is shown as 5th August, 2015 at the post-review stage, whereas, the mark-sheet relied upon by the appellant appears to have been issued on 19th August, 2015.
6. We further find that the mark-sheet for the 2nd semester examination was also issued on the same date, which is improbable. Though the mark-sheet relied upon by the appellant for the Semester-II examination is indicative of the fact that she secured 1st Class and completed the B.Ed. course successfully, but because of the fact that she could not clear one subject in Semester-I, she was not declared as pass candidate.
7. In view of the seriousness, the Single Bench has shown alacrity and did not accept the contention of the appellant, which we do not find any ambiguity warranting interference therewith.
8. Furthermore, the appellant was pursuing the B.Ed. course for the academic session, 2014-15 and only approached the authority on the basis of the representation in the year, 2023 and, therefore, there is apparent an lapse and/or negligence on her part.

9. A plea is sought to be raised that the appellant was approaching the college and verbally requesting to issue a pass certificate but not an iota piece of paper could be produced in this regard. The college authorities have also not come forward to corroborate the aforesaid fact. Once the mark-sheet is an outcome of forgery or a fraud and/or malpractices, it does not confer any right into the beneficiary thereof.
10. The appeal being **MAT 1934 of 2024** *sans* merit, the same is hereby **dismissed**.
11. Application being **CAN 1 of 2024** is also disposed of.
12. No order as to costs.
13. Urgent certified copy of this order, if applied for, be given to the parties upon compliance with all requisite formalities.

(HARISH TANDON, J)

(PRASENJIT BISWAS, J)