

December 5, 2025
Sl. No.9
Court No.1
s.biswas

WPA(P) 504 of 2025

Souren Bhattacharya and others
vs.
The State of West Bengal and others

Mr. Anindya Bose
Mr. Mridul Biswas
Ms. Raina Das

... for the petitioners

Mr. S. Bose

... for the State

Mr. Biswaroop Bhattacharjee
Mr. Arka Kr. Nag
Ms. Nilanjana Ghorui

... for the respondent nos.3 to 5

Per, Sujoy Paul, A.C.J.

1. Parties are represented through their respective learned counsel.
2. The principal grievance of the petitioners, 4 guardians of Class XII students is that the examination of Class XII for this academic year is scheduled in February, 2026, whereas as per Regulation 5 of West Bengal Higher Secondary Education (Examination) Regulations, 2024, the examination should be held in the month of April of that particular year. Since examinations are preponed and directed to be held in February, students will not get adequate time for proper preparation.
3. Sounding a contra note, learned counsel for the Council also places reliance on the said Regulation 5 and urged that the Regulation only obliges the Council to conduct examination till April of particular academic year. Several all

India examinations including NEET, WBJEE, JEE Advance are ordinarily scheduled in the month of April and May. Considering this exigency, the examinations are scheduled in February. However, last few years examinations held in February only. Only handful of parents out of around 6 lakhs students approached this court and therefore it cannot be said to be a public interest litigation filed in representative capacity.

4. We have heard the parties at length.
5. Regulation 5(1) on which both the parties are at loggerhead reads thus:

“5. Examinations of Semester III and Semester IV of Class XII (Higher Secondary Examination) – (1) Semester III Examination of Class XII will be conducted within the month of September or as per notification, issued by the Council. Subsequently, Semester IV Examination of Class XII will be conducted within the month of April every year or as the notification of the Council and will continue on the same cycle until further notification.”

6. A minute reading of language employed in this Sub-Clause (1) of Regulation 5 makes it clear that examinations are decided to be conducted “*within the month of April every year.*” We find that interpretation advanced by learned counsel for the Council is a plausible interpretation. The intention of lawmakers is to conduct the examination till April of every year. Thus, no fault can be found in such administrative/policy decision. The Council is well-suited to decide when and how to conduct the examination. This

court cannot sit in appeal on such administrative decision. Apart from this, it is informed by Notice No.L/PR/272/2025 dated 07.05.2025, the Semester IV examinations and its dates were declared. Thus the declaration of examination was way back in May 2025. At this stage, we are not inclined to disturb the examination process. The petition sans substance and is hereby **dismissed.**

(Sujoy Paul, A.C.J.)

(Partha Sarathi Sen, J.)