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21.01.2025
Ct. No. 18
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W.P.A. 25689 of 2023

**Sankar Lal Khanra & Anr.
Vs.
The State of West Bengal & Ors.**

Mr. S.R. Das
Mr. Kshetra Prasad Mukhopadhyay
...for the Petitioners

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the WBBSE

By presenting this writ petition petitioners being guardians of two students have approached this Court for declaration of result of Madhyamik Examination 2021 following the norms which was followed by the West Bengal Board of Secondary Education in declaring the result of similarly placed other candidates.

Mr. S. R. Das, learned advocate representing the petitioners submits that in the present writ petition relevant notification is under challenge based on which enrolment of candidates was made.

However, the learned advocate representing West Bengal Board of Secondary Education submits that on the self same cause of action another writ petition was filed being WPA 17066 of 2021 which was dismissed by a coordinate Bench vide order

dated 28th March, 2022. Against the said order of the coordinate Bench an intra Court Appeal was preferred being MAT 663 of 2022 and same was dismissed by the Hon'ble Division Bench vide order dated 4th May, 2023. Challenging the order of the Hon'ble Division Bench writ petition was preferred being Writ Petition(s) (Civil) No(s). 959 of 2023 and same was dismissed by the Hon'ble Supreme Court vide order dated 25th September, 2023. Copies of the order passed by the coordinate Bench on 28th March, 2022 and passed by the Hon'ble Division Bench on 4th May, 2023 are placed before this Court and taken on record.

Since the issue has already been decided by the coordinate Bench in the writ petition being WPA 17066 of 2021 and same was not subsequently interfered by the Hon'ble Division Bench and by the Hon'ble Supreme Court in connection with writ petition preferred under Article 32 of the Constitution of India, the issue is no more *res integra*.

Hence, the writ petition stands dismissed.

It needs to be recorded herein that in the present writ petition the order passed by the coordinate Bench dated 28th March, 2022 and the order passed by the Hon'ble Division Bench dated 4th May, 2023 on identical issue have not been

disclosed and due to suppression of material fact Court ordinarily would have imposed exemplary cost. Since the matter relates to participation of the students in Madhyamik Examination and declaration of result thereof imposition of cost is waived.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)