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MAT 90 of 2026
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IA No. CAN 1 of 2026
(Safiya Hasan Vs. The State of West Bengal & Ors.)

Mr. Suman Dey
Mr. Amit Halder
.... For the appellant.

Mr. Swapan Kumar Datta,
Mr. Rajat Dutta
.... For the State/respondents.

Ms. Koyeli Bhattacharyya
.... For the W.B.B.S.E.

Mr. Gunamay Das
- Respondent no.9 in-person.

The present appeal has been preferred challenging an order dated 16th January, 2026 passed by the learned single Judge in a writ petition, being WPA 622 of 2026. The said writ petition was preferred primarily praying for the following relief:

‘To issue a Rule calling upon the Respondents to show cause as to why an order will not be passed allowing your appellant to get herself registered with the West Bengal Board of Secondary Education through any nearby school having recognition upto class X or alternatively get the Appellant registered with the West Bengal Board of Secondary Education as an External Candidate and allow her to sit for the Madhyamik Examination 2026 under the said Board till the disposal of the said appeal and after hearing the cause that may be shown to make the Rule absolute.’

The admitted facts are as follows. The appellant, namely, Safiya Hasan (minor) [in short, Safiya] is studying in Nandkumar Jeevanrao STPN High School [hereinafter referred to as the said school] since 2018. She passed the annual examination every year and was ultimately promoted to class – IX in the year 2024 and thereafter, to class – X in the year 2025. In the midst thereof, the said school got recognition up to class VIII in the month of June, 2025. The said school thereafter preferred a writ petition, being WPA 15261 of 2025 *inter alia* praying for grant of permission to the student to take admission in another neighbouring recognized school in class - X for participating in the Madhyamik Pariksha (Final Examination) 2026. By an order dated 14th August, 2025 such permission was refused and the said school was directed not to run classes IX and X till it is upgraded to a High School. Thereafter, Safiya through her father preferred a writ petition, being WPA 622 of 2026 with a prayer to allow her to appear in the Madhyamik Pariksha of 2026.

Mr. Dey, learned advocate appearing for Safiya strenuously argues that Safiya hails from a very poor family and all along she had maintained good results but due to delay towards grant of recognition of the said school, she had been the victim and is being denied registration by the West Bengal Board of

Secondary Education (in short, the said Board). In the absence of such registration, Safiya is also being denied the opportunity to appear in the Madhyamik Pariksha 2026.

Mr. Das, respondent no.9, appearing in-person supports the contention of Mr. Dey and submits that the issue of recognition of the said school as a High School has been unnecessarily kept pending and as a consequence thereof, Safiya had been the worst sufferer.

Mr. Datta, the learned Government Pleader appearing for the State submits that the State Government has recommended for upgradation of the said school as a High School with effect from 1st January, 2026. Such recommendation has been forwarded to the Secretary of the Board *vide* memo dated 2nd January, 2026.

Ms. Bhattacharyya, learned advocate appearing for the Board submits that Safiya has not studied in a recognized school in classes IX and X. In view thereof, she cannot be registered for appearing in the Madhyamik Pariksha, 2026 which is due to commence on and from 2nd February, 2026. Any order passed granting leave to Safiya to participate in the Madhyamik Pariksha would open a floodgate and students of all unrecognized schools would be

approaching the Board for participation in the examination.

She further submits that even in the event the said school is granted recognition, as recommended by the State, Safiya would have to take fresh admission and complete two academic years to appear in the Madhyamik Pariksha.

We have heard the learned advocates appearing for the respective parties and Mr. Das, appearing in-person, for the respondent no.9.

When the matter was last taken up for hearing yesterday, considering the fact that Safiya would be losing two academic years for not studying in a recognized institution, we directed Ms. Bhattacharyya to obtain necessary instruction as to whether Safiya can be allowed to participate in the Madhyamik Pariksha, 2026 scheduled to commence on and from 2nd February, 2026 on any condition.

Today, Ms. Bhattacharyya informs this Court that the Board shall extend all assistance to Safiya to take admission in class X in any recognized institution. Upon such admission, Safiya would be granted registration to enable her to appear in the Madhyamik Pariksha of the year 2027. In view thereof, Safiya would not be losing two academic years.

In the said conspectus, though we are unable to direct the respondents/authorities to allow Safiya to

appear in the Madhyamik Pariksha 2026, we direct that upon taking admission in a recognized school this year in class X, the Board shall grant registration in favour of Safiya to enable her to appear in the Madhyamik Pariksha of the year 2027. Any deficiency of attendance in class X shall also be condoned by the Board and the concerned school in which Safiya is admitted. The Board shall also ensure that the recognized institution/school approached for admission of Safiya shall grant admission to Safiya as a special case and allow her to take regular classes without raising any objection and extend all cooperation to Safiya to enable her to appear in the Madhyamik Pariksha of the year 2027.

The order impugned in the present appeal is modified to the above extent and the appeal along with the connected application is disposed of.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)