

Ct.No.1 D/L 30.01.2026
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Saikat
Mukherjee

WPA(P)/29/2026

**GOPI BONDHU GANGULY
VS.
STATE OF WEST BENGAL AND ORS.**

Mr. Pijush Biswas, Adv.
Mr. Ashok Pandey, Adv.
Mr. Sudipta Nayan Ghosh, Adv.

...For the Petitioner

Mr. Jahar Lal De, A.G.P.
Mr. Kaustav Bhattacharya, Adv.

...For the State

Mr. Debapriya Majumder, Adv.

...For the Respondent No.5

Per, Partha Sarathi Sen, J.

1. Affidavit-of-service, as filed on behalf of the writ petitioner, is taken on record.
2. The petitioner, Respondent-State and the Respondent No.5 are represented by their respective learned counsels. None appears on behalf of the Respondent No.4 authority despite service of notice.
3. By filing the instant writ petition, which is in the nature of a public litigation, the writ petitioner has prayed for issuance of appropriate writ/writs against the respondent authorities, more specifically Respondent No.2 authority to take appropriate steps with regard to the alleged malpractices, as allegedly happened in May, 2025, in Even-Semester

examination in the educational institute, as run by the Respondent No.5 authority.

4. At the time of hearing learned counsel appearing on behalf of the writ petitioner at the very outset draws attention of this court to Page-27 of the instant writ petition (Annexure-‘P2’) being a copy of the preliminary enquiry report dated 3rd July, 2025, as submitted by one S.I. Santanu Sarkar of Mohanpur Police Station with the Officer-in-Charge of the self-same Police Station, requesting him to lodge a specific case under sections 318(4)/316(5)/316(2)/112/238/344 BNSS.

5. It is submitted that in course of such preliminary enquiry, the said Sub-Inspector noticed various malpractices and dereliction as well as violation of rules of examination and for which such preliminary enquiry report was submitted and on the basis of such preliminary enquiry report the jurisdictional Police Station has already initiated a P.S. case by lodging FIR. It is further submitted that from Page Nos.41 to 44 of the instant writ petition (Annexure-‘P5’) being a copy of the notification dated 6th May, 2025, as issued by the Respondent No.2 authority, it would reveal that the aforementioned educational institution, as run by the Respondent No.5, is duty-bound to follow some mandatory guidelines.

6. It is further submitted that *prima facie* materials have been placed before this court that in the aforementioned examination the said institution, as run by the Respondent No.5, had failed to maintain the guidelines and, therefore, the very purpose of holding the aforementioned examination became frustrated.
7. It is, thus, submitted that considering the gravity of the situation and also considering the fact that in the event, the alleged illegality and irregularity is permitted to be continued without holding any enquiry, as prayed for by the writ petitioner vide representation dated 9th June, 2025, (Annexure-‘P1’), the entire educational system in the category of Technical and Vocational Education and Skill Development would become futile and would cause serious prejudice to the students who are pursuing their studies in technical and vocational education.
8. It is, thus, submitted that appropriate relief/reliefs be granted in terms of the prayers made in the writ petition.
9. Per contra, learned counsel appearing on behalf of the Respondent No.5, however, submits that in view of the alleged malpractices, illegality and irregularity in the said examination, a police case has already been started and in the event, the prayer made by the writ petitioner is allowed that would have a direct impact in the said investigation. It is, thus, submitted on

behalf of the Respondent No.5 authority that the instant writ petition may be dismissed.

10. Mr. De, learned Additional Government Pleader, appearing on behalf of the Respondent-State, however, in his usual fairness submits before this Court that in the event the Respondent No.2 authority is directed to consider the representation of the writ petitioner in accordance with law that would not be unjust.

11. We have meticulously gone through the entire materials as placed before us. We have also given due consideration over the submissions made by the learned counsels appearing on behalf of the contending parties.

12. By filing the instant writ petition the writ petitioner has placed *prima facie* materials with regard to alleged malpractices as well as violation of mandatory rules of the notification dated 6th May, 2025. We have noticed that on the basis of a preliminary enquiry a P.S. case was started.

13. Considering the entire scenario, as discussed hereinabove, we consider that justice would be subserved in the event, the Respondent No.2 authority is directed to consider the representation of the writ petitioner in accordance with law.

14. In view of such, while disposing the instant writ petition we permit the writ petitioner to ventilate his grievance by way of a representation with the

- Respondent No.2 authority within 30 working days from today along with server copy of this order.
15. The Respondent No.2 authority on receipt on such representation shall give notice to the writ petitioner as well as to the Respondent No.5 and after giving due chance of hearing to the writ petitioner and the Respondent No.5 and/or their authorised representatives and/or any other stakeholders, if there be any, shall pass a reasoned order and shall forthwith communicate the same to all the parties to the said hearing.
 16. The entire exercise, as indicated in the foregoing paragraphs, is to be completed within 90 working days from the date of communication of the server copy of this order.
 17. Time limit, as fixed by this court, is peremptory and mandatory.
 18. It is further directed that in the event, while disposing the representation of the writ petitioner the Respondent No.2 authority finds sufficient merit in such representation, he is directed to take all consequential steps thereafter.
 19. With the aforementioned observations and directions, WPA (P) No.29 of 2026 is **disposed of**.
 20. Before parting with, we, however, make it clear that while disposing the instant writ petition we have not gone into the merit of the allegation as levelled by the writ petitioner in the instant writ petition and thus, all

points are kept open for adjudication by the Respondent No.2 authority.

21. Urgent Photostat certified copy of this order, if applied for, be given to the parties, on priority basis, upon compliance of all necessary formalities.

(SUJOY PAUL, CJ.)

(PARTHA SARATHI SEN, J.)