

13-02-2026
Item No.6
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.3385 of 2026

Md. Tanvir Hoque

-vs-

The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Tasnim Ahamed
Ms. Sinjini Chakraborti ...for the petitioner

Mr. U.S. Menon
Mr. Abhirup Chakraborty ...for CBSE

Mr. Uttam Kumar Mandal
Ms. Maitree Roy
Ms. Uditā Mandal ...for the school

Mr. D. Mukherjee
Ms. P. Jana ...for the State

1. The son of the petitioner was due to appear in the class XII Board examination conducted by the Central Board of Secondary Examination for the year 2026. He has been debarred from appearing in the said examination due to shortfall in his attendance.
2. According to the petitioner, his son was suffering from prolonged illness of influenza (flu), dental issue and indigestion for which he was unable to attend school for a couple of days.
3. It has been contended that the illness of the son of the petitioner has to be taken to be of serious nature and his candidature should be considered and recommended by the school to the Board for appearing in the forthcoming CBSE Class XII

Examination, 2026.

4. Learned counsel for the school submits a bunch of documents wherefrom it appears that the student's attendance up to January 1, 2026 was 68.24%. She attended 101 days out of 148 days. He has not been recommended for appearing in the Board examination.
5. It has been submitted by the learned counsel for the school that regular parental information was sent to the petitioner to draw attention and to make him aware with regard to shortfall of the attendance of his son. The petitioner did not care to improve such attendance.
6. It has also been submitted that the candidate is weak in academics. For the aforesaid reasons, the school has not recommended the student to appear in the Board examination.
7. The school has submitted that the same will lay down a very bad precedent.
8. Learned counsel for the Board submits that as the candidate has not been recommended by the school, accordingly, the Board cannot permit the student to appear in the examination.
9. Upon hearing the respective submissions made on behalf of the parties and on perusal of the materials on record, it appears that the student failed to attain the minimum required attendance i.e. 75%. Though there is provision for condonation of the shortfall in the percentage of attendance, but the student has not been able to come forward with any supporting document for which his shortfall in attendance may be considered for condonation.
10. The medical certificate relied upon by the petitioner has been obtained from a private

medical practitioner. The school follows the procedure of requirement of submission of medical certificate from Government institution.

11. Considering the academic standard of the student and his percentage of attendance, the Court is not inclined to interfere with the decision of the school to debar the student from appearing in the forthcoming Board examination.
12. The Court is of the opinion that showing any leniency or sympathy may not be in the best interest of the student. Such misplaced sympathy may embolden the student to defy laws and to rush to Court for relief. A school student ought to follow and comply with all the rules and regulations maintained by the school so that the student can grow up as responsible citizen of the country.
13. As a uniform principle has been followed by the school in respect of all other students with low attendance, there is no reason why the Court will direct the school to depart from the same.
14. The Court is not inclined to interfere in the instant writ petition. The same fails and is hereby dismissed.
15. All parties are to act on the server copy of this order duly downloaded from the official website of this court.
16. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

