

21.01.2026.
32
Ct.No.24.
as

WPA 6827 of 2025

Juli Mandal
Vs.
The State of West Bengal & Ors.

Mr. Arindam Maitra.
...for the Petitioner.
Mr. Sirsanya Bandopadhyay,
Lr. Sr. Standing Counsel,
Ms. Tapati Samanta.
...for the State.

Mr. Abir Sarkar.
...for the Respondent No.2.

Mr. Nilotpal Chatterjee.
...for the Respondent No.5.

Mr. Santanu Kr. Mitra,
Mr. Amartya Pal,
Mr. Mahek Jaiswal,
Mr. Rati Kanta Pal.
....for the WBCHSC.

Mr. Amitava Chaudhuri,
Mr. N. Roy.
..for the WBJEEB.

1. The petitioner is aggrieved that she was not given registration against her admission in Auxiliary Nurse and Midwifery Course, Session 2024-2025 in the Nursing Training School, Barasat, Government, MCH, North 24-Paraganas.
2. Mr. Maitra, learned Advocate appearing for the petitioner submits that the petitioner was qualified on all counts and was thereafter, admitted to the Nursing School and is presently entitled for registration.

"01. xxx xxxx xxx

02. A candidate to be declared passed, must secure pass marks in two languages, three compulsory elective subject and Environmental Education, Grand total and Overall Grade are shown in the Mark sheet. Calculation of Grand Total is done by considering Marks of two Languages and best three Elective Subjects including Optional Elective subject, if any, and accordingly Mark-Sheet is printed. Overall Grade is calculated by dividing Grand Total by Five.

03. Regulation 9(1)/9(2b) will be applicable to the cases where necessary. 9(1): If a candidate fails to obtain minimum pass marks in any compulsory subject excepting Environmental Education for the reasons of deficiency of less than five per centum of full marks, he/she shall, to make up the deficiency in the compulsory subject, be given credit by transfer of marks from the highest marks obtained by him/her in a compulsory subjects excepting Environmental Education. 9(2b): Failure in obtaining the minimum pass marks in a compulsory elective subject, but has obtained the minimum pass marks in the optional elective subject, shall be declared passed by giving him/her the benefit of interchanging the compulsory elective subject as the optional elective subject and vice versa.”

4. As will appear from the said clauses, a candidate declared to have been passed must secure the pass marks in two languages and three compulsory elective subjects along

with the environmental education, under Regulation 9(1) and 9(2b) of the West Bengal Council of Higher Secondary Education Examination Regulation, 2006 (hereinafter referred to as the Regulation). A bare reading of Regulation 9(1) and 9(2) of the said Regulation will clearly show that a candidate will be deemed to be passed taking into account the two language subjects and three compulsory elective subjects.

5. In this case, the petitioner whether inadvertently or by design had made a misrepresentation in the form of self declaration that she had obtained a percentage of 43.6% in the Higher Secondary Examination. This percentage is not incorrect if the marks of environmental education is taken into account. If environmental education is taken into account for calculation of the aggregate marks and percentage thereof, one of the elective subjects has to be disregarded. In terms of the Regulation aforesaid and clauses '2' and '3' on the reverse of the mark sheet, this is impermissible. The petitioner has obtained 184 marks out of total 500 marks, which is approximately 36.8%. Clearly, this falls short of the eligibility criteria of 40% as stipulated.

6. However, these marks include marks of the environmental subject which is a compulsory subject. It is not the compulsory elective subject. Thus, the representation by the petitioner of having obtained 184 marks in the self declaration is incorrect.

7. In view thereof, since the petitioner does not meet the eligibility criteria of 40%, the minimum requirement set

forth by the authorities, the prayer of the petitioner seeking registration cannot be permitted.

8. In view of the aforestated, the writ petition fails and is accordingly dismissed.

9. Since affidavits have not been called for, allegations contained in the petition are deemed to have been denied.

10. There shall be no order as to costs.

11. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)