

08.05.2026
Item No.01
Court No.11
Avijit Mitra

**FMA 1233 of 2024
with
IA No. CAN 1 of 2024**

**Soma Mukherjee
- Versus -
State of West Bengal & ors.**

Mr. Saabyasachi Chatterjee,
Mr. Subhas Chadra Atha,
Ms. Suparna Dutta,
Ms. Tusi Naskar,
Ms. Payel Paramanik
.... for the appellant

The present appeal has been preferred at the instance of the writ petitioner/appellant (hereinafter, the appellant) challenging the order dated 13th August, 2024 passed by the learned Single Judge in WPA 25702 of 2023, whereby the writ petition was dismissed.

The facts giving rise to the present appeal are that the appellant appeared in TET 2012 but was unsuccessful. Subsequently, he appeared in TET 2014; however, he was again unsuccessful. Being dissatisfied with the result of TET 2014, he approached the Board in 2023 seeking supply of a photocopy of the OMR sheet. Upon such request, the Board supplied the digitized data sheet, stating that the photocopy of the OMR sheet had already been destroyed. The denial of the certified copy of the OMR sheet prompted the appellant to file the writ petition, which was dismissed by the order impugned in the present appeal.

The learned Single Judge, in the impugned order, noted that the result of TET 2014 had been published on 14th September,

2016, whereas the appellant applied for obtaining the information only in the year 2022. Taking note of such belated approach, the learned Single Judge declined to accept the appellant's contention.

Mr. Chatterjee, learned advocate representing the appellant, submits that the Board ought to have considered whether the digitized data indicated that the appellant was entitled to receive an additional six marks, which were awarded to all participants who attempted a particular question. He submits that this aspect has been ignored and/or overlooked by the learned Single Judge, and such infirmity warrants interference.

According to Mr. Chatterjee, despite close scrutiny, the digitized data of the OMR sheet of TET 2014 supplied to the appellant by the Board remains unclear as to whether it is genuine or not. In such circumstances, the appellant ought to have been provided with a photocopy of the OMR sheet.

Indisputably, the photocopies of OMR sheets are preserved by the authority conducting the selection process only for a particular period, and upon expiry of such period, it is inevitable that those OMR sheets would be destroyed.

In the present case also, the Board specifically took the stand before the learned Single Judge that, upon expiry of the specified period, the OMR sheet had been destroyed, though the digitized data had been preserved. Although there was a belated approach on the part of the appellant, the Board nevertheless supplied the digitized data.

In such conspectus, we are of the view that there is no infirmity and/or perversity in the order impugned in the appeal.

and, therefore, we do not find any justification to interfere with the order under appeal.

With the above observations and directions, the appeal and the connected application are, accordingly, dismissed.

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

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

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