

24.01.2024
(D/L 17)
Ct.-18
(Susanta)

W.P.A. 112 of 2024

St. Mary Goretti Girls' High School (HS) & Ors.
-Vs-
The State of West Bengal & Ors.

Mr. Sandip Kumar De,
Mr. Abhijit Sarkar,
.... For the Petitioners.

Mr. Jagabandhu Roy,
Ms. Mita Bag,
.... For the State.

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

St. Mary Goretti Girls' High School (HS),
Assansol, District- Pashim Bardhaman, its
Secretary and Teacher-in-Charge are the
petitioners of the instant application under Article
226 of the Constitution of India.

The respondent no. 7 is a student of class X of
the said school, she is supposed to take up the
ensuing Madhyamik Pariksha, scheduled to
commence on and from February 02, 2024 to be
conducted by the West Bengal Board of Secondary
Education but she is yet to be registered with the
Board.

The petitioners are praying that the said
respondent may be allowed to participate in the
said examination.

Mr. De, learned counsel for the petitioners
admits that for the mistake of the School, the said

respondent could not be registered with the Board within the time and even within the extended time. He submits that the respondent no. 7 may be allowed to take up the said Examination for which the school is ready to comply with any condition.

Ms. Koyeli Bhattacharya, learned counsel for the Board submits that if the prayer of the petitioners is allowed at this stage, the Board would face immense difficulty and inconvenience. The Secretary of the Board, in paragraph nos. 5, 6, 7 and 12 of his affidavit dated December 14, 2023 has detailed such difficulties and inconveniences.

Heard learned counsel for the parties, perused the materials on record, it is clear from the said affidavit of the Board that the logistical support to the examination is complete from the end of the Board which certainly would be impacted if the prayer of the petitioners are allowed at this stage.

However the effect of the refusal to the said prayer would outweigh the inconvenience likely to be faced by the Board, particularly when the said respondent is not at fault in any way for default in her registration therefore, as a special case, the Board is directed to register the respondent no. 7 and to issue the admit card to her for the ensuing Madhyamik Examination, 2024, subject to the fulfillment of the following conditions:-

A. The Headmaster of the School is to file the undertaking envisaged under the Notification of the Board bearing No. D.S.(C)/241/23 dated December 29, 2023.

B. The School is to pay costs @Rs. 25,000/- to the Board.

C. The School is to produce the copy of the registration form and other necessary documents of the respondent no.7 before the Board.

The School shall approach the Board **tomorrow**(January 25, 2024) to collect the registration certificate and admit card of respondent no. 7 upon compliance of the aforesaid conditions.

For further direction, list the matter at **2.00 p.m. on January 25, 2024.**

Parties to act on the server copy of this order duly downloaded from the official Website of this Court.

(Biswajit Basu, J.)