09. 09. 2022

BP/SA
Sl. 288
Court No. 17

WPA 2005 of 2022

Santanu Sit & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Dibyendu Chatterjee
Ms. Reshmi Ghosh
Ms. Piyali Paul
..for the petitioners

Mr. Supriyo Chattopadhyay
Ms. Iti Dutta
..for the State

Mr. L.D. Gupta, Sr. Advocate
Mr. Saikat Banerjee
Mr. Koushik Chowdhury
..for the Board

Mr. Sauvik Nandy
..for NCTE

Learned advocate for the petitioners submits that they never wanted the digitized data of the OMR sheet. But instead of OMR sheet the digitized data has been supplied to them with several defects including the OMR series number and it is not possible to know what was the actual answer in one particular series of OMR sheet in the competitive examination. It is a common practice which is known to all concerned that different series with similar questions of question booklet but arranged in different ways are used and, therefore, one OMR sheet cannot be said to be representative of all other OMR sheets. On the other hand, according to

Section 8 (3) of the Right to Information Act, 2005, the information is to be supplied relating to any occurrence, event or matter which has taken place, occurred or happened 20 years before the date on which any request is made under Section 6 **shall be** provided to any person making a request under that section. Therefore, an ordinary reading of this sub-section 8(3) shows that a document is to be kept for 20 years from the happening of an event.

In view of this, I do not understand how the OMR sheets were destroyed by the West Bengal Board of Primary Education after some days of the examination as has been given in their notice dated 14.09.2016.

I direct the Board to file one report in the form of affidavit disclosing the following dates:

1. When the decision of destroying all OMR sheets of TET 2014 was taken by the Board.
2. What was the mode of destruction.
3. Names of witness officials before whom the OMR sheets were destroyed.
4. How many OMR sheets were destroyed.
5. The real method whereby the OMR sheets were destroyed.
6. Whether any tender was floated for destroying such OMR sheets or it was outsourced and

the act of destruction was outsourced to some other agency by the Board and if so, on the basis of which meeting of the Board. If it is outsourced/tendered for destruction of the OMR sheets, the particulars of such persons who were given the job of destruction of those OMR sheets and the work order issued therefor.

I grant two weeks time to the Board for filing this affidavit.

The matter will appear for further hearing on 26th September, 2022 at 2 p.m.

Affidavit in reply filed by the petitioner is kept on record.

(Abhijit Gangopadhyay, J.)