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30.07.  
2021  
Ct. No.17

**WPA 2325 of 2020**

**Chandan Bhattacharya  
Vs  
State of West Bengal & Ors.**

**Mr. Suddhadev Adak  
.....For the Petitioner  
Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey  
.....For the SSC  
Mr. Suman Dey  
.....For the State**

The petitioner has challenged a letter issued by the West Bengal Central School Service Commission dated 8<sup>th</sup> August, 2019 which is marked as Annexure 'P-8' to the writ application. The body of the letter is as follows:

*“With reference to the solemn order dt 13.06.2019 passed by the Hon’ble Justice Mousumi Bhattacharya in relation to the above-mentioned writ petition, I am directed to inform you that the said solemn order has been duly complied with by means of re-evaluating the answer sheet of the writ petitioner for question No.6, 12, 17 & 20 by an expert who did not exercise the evaluation of the said answer scrip in earlier occasion. After such re-evaluation it has been observed that you are found not eligible for being called in Personality Test in c/w 12<sup>th</sup> RLST(AT), 2011 for the post of Assistant Teacher. It is mentioned that*

*the last candidate who was called for interview got 63.00 marks and the marks of the writ petitioner is 61.00.”*

The prayer of the petitioner is that after the re-evaluation of the answer script, the answer script is required to be re-evaluated again. For re-evaluation of an answer script, an examiner considers a large number of factors and he has certain liberties to award marks in respect of a question considering not only a reply but also a number of other factors. In my view this liberty of an examiner in this regard cannot be questioned. All such factors are never written in any Rule Book. Therefore, when the matter has been re-evaluated in compliance with the order passed by this court, I am not inclined to pass an order for appointing an impartial expert examiner to examine the answers again as has been prayed. There is no reason, in view of my above observation, for appointment of an external examiner for a second re-evaluation of the answer script. Therefore, I reject this application. No costs.

**(Abhijit Gangopadhyay, J.)**

