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13.12.
2021
Ct. No.17

WPA 23473 of 2019

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

Mr. Bikram Banerjee
Mr. Arka Nandi
.....For the Petitioner
Dr. S. K. Patra
Ms. Supriya Dubey
.....For the State

In this writ petition the petitioner has challenged the answer key, which the Commission terms as a 'revised answer key', in respect of three questions i.e. question no. 2, question no.9 and question no.55.

The petitioner has explained by showing the questions, the answer key and the text books annexed to the petition why he is saying that the answers given in respect of question nos.2, 9 and 55 are wrong.

Learned advocate for the School Service Commission Dr. Patra has raised a completely different objection by stating and by relying upon Annexure R-I of the report where opinion from candidates were invited by Notification dated 13.12.2016 by the West Bengal Central School Service Commission, the petitioner did not raise any

objection as to the model answers and its answer key in respect of question nos. 2, 9 and 55 which they are raising now. Dr. Patra further submits that for this reason, whatever be the case of the petitioner, it cannot be considered by the School Service Commission. Had any opinion being given in respect of those three questions by the petitioner herein consideration of petitioner's case would have been made by this court but here in this case there is no scope of it.

I wholly accept the submission made by Dr. Patra appearing on behalf of the School Service Commission and though I have applied my mind over the answer key and the poem and the grammatical form in respect of question no.55, I am unable to pass any order in favour of the petitioner because now he is estopped from raising such allegation as has been raised in respect of question nos. 2, 9 and 55 now.

Learned advocate for the petitioner submitted that one marks each in respect of question nos. 2, 9 and 55 was awarded to him or not could only be known to him after receiving of the answer key through his application under R. T. I. Act when he has seen that there is defect in answers in question nos. 2, 9 and 55, and then only he has made the objection.

On considering the submission made by Dr. Patra, I am of the view that this question could have been raised by the petitioner against Notification dated 13.12. 2016 before the last day to do it i.e. by 19.11.2016 but he raised this question through the writ petition affirmed on 10th December, 2019. Therefore, though the writ petition has been filed even before expiry of the panel which, according to Dr. Patra, expired on 17th December, 2021, I am unable to accept the contentions raised in this writ application by the petitioner.

Hence, this writ application is dismissed. The report in the form of an affidavit affirmed on 19th March, 2021 filed on behalf of the S. S. C. and exception thereto filed on behalf of the petitioner affirmed on 7th September, 2021 are kept on record.

(Abhijit Gangopadhyay, J.)

