

**In The High Court At Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA 2337 of 2022

**Pranab Kumar Das & Ors.
Versus
The State of West Bengal & Ors.**

Mr. Biswaroop Bhattacharya
Mr. Ali Ahsan Alamgir
Ms. Riya Das
Ms. Rabia Khatoon

... for the Petitioners

Mr. Prosenjit Mukherjee
Mr. Madhurima Sarkar

... for the Madrasah Service Commission

Mr. Sk. Md. Galib
Mr. Subhra Nag

... for the State

The report in the form of an affidavit filed on behalf of the respondent nos.3 and 4 and the exception filed thereto by the petitioners in Court today are taken on record.

The petitioners participated in the 6th SLST for the subject Work Education (Pass) conducted by the West Bengal Madrasah Service Commission. Their names did not feature in the list of selected candidates.

The petitioners' primary grievance is that their answer scripts were not properly evaluated.

Direction was passed upon the West Bengal Madrasah Service Commission to produce the original OMR sheets of the petitioners.

It appears therefrom that marks could not be allotted to the petitioners as there were over shading in the OMR answer sheets.

The specific grievance of the petitioners is that the instructions provided by the Commission in the form of guidelines did not mention that the marks will not be provided in case of over shading.

The guidelines mentioned that booklet series must be marked. If the booklet series is not marked, the machine cannot evaluate the answer sheets.

The guideline mentions the mode of selection, question paper pattern and marks allocation. The question paper pattern and marks allocation mention that there shall be 55 questions of MCQ type carrying one mark each and no negative marks. Group-‘A’ consists of 28 questions which is compulsory and out of the other said three groups ‘B’, ‘C’ & ‘D’ each group has 27 questions, answer from any one group (as opted by the candidate) has to be shaded. The written examination is of 55 marks i.e. Group-‘A’ 28 marks and Group-‘B’ 27 marks.

It appears that the petitioners have over shaded either the booklet series or the question group. Because of the over shading, the machine evaluated only the portion which was compulsory and not the portion in the Group-‘B’, ‘C’ & ‘E’ out of which only one group was to be answered by the candidate.

The Commission has filed an affidavit wherein it has been mentioned that above mentioned evaluation process has been applied uniformly, so that nobody is prejudiced in any respect of evaluating OMR sheets.

It appears from the OMR sheets that the candidates committed error by over shading and in one case whitener has also been used. The same was impermissible and was clearly mentioned in the guideline for filling up the application form as well as for answering the OMR sheet.

The contention of the petitioners that over shading were not done by them also does not appear to be substantiated from the record.

The petitioners have other grievances also. The Court, at the very first instance, made it clear that if the petitioners are able to canvass before the Court that there has been some error in evaluating the answer script of the petitioners, then other issues would be entertained by the Court. As it appears that there are errors on the part of the candidates in marking answers in OMR answer sheet, accordingly, other issues sought to be raised by the petitioners have not been taken into consideration at all.

It does not appear that there is any apparent error or illegality on the part of the Commission in evaluating the answer script of the petitioners.

In view of the above, no relief can be granted to the petitioners in the instant case. The writ petition fails and is hereby dismissed.

The original answer scripts handed over by the learned advocate for the petitioners are returned to the learned advocate in sealed cover.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Amrita Sinha, J.)