

02.05.2022  
SL No. 31  
Court No. 24  
(P.M)

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

**WPA 5227 of 2022**

**Ujjwal Samanta  
Vs  
The State of West Bengal & Ors.**

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 petitioner participated in the 6<sup>th</sup> SLST for the subject Work Education (Pass) conducted by the West Bengal Madrasah Service Commission. His name did not feature in the list of selected candidates.

The petitioner's primary grievance is that his answer scripts were not properly evaluated.

It appears from the photocopy of the OMR answer sheet that marks was not allotted to the petitioner as there were over shading in the OMR answer sheet.

The specific grievance of the petitioner is that in the instructions provided by the

Commission in the form of guidelines did not mention that marks will not be awarded in case of over shading.

The guidelines mention 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 mentions 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 three groups ‘B’, ‘C’ & ‘D’ (each group has 27 questions), any one group (as opted by the candidate) of 27 marks is to be answered; i.e. Group-‘A’ 28 marks and Group-‘B’ 27 marks is equal to 55 marks.

It appears that the petitioner has 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 was required to be answered by the candidate.

The learned advocate representing the Commission has submitted that the above mentioned evaluation process has been evaluated uniformly, so that nobody is prejudiced in any respect of evaluating OMR sheets.

It appears that the candidate committed error in over shading which was impermissible as was mentioned in the guidelines for filling up the application form as well as answering the OMR sheet.

The contention of the petitioner that over shading was not done by him also does not appear to be substantiated from the record.

There does not appear any apparent error or illegality on the part of the Commission in evaluating the answer script of the petitioner.

In view of the above, no relief can be granted to the petitioner in the instant case.

The writ petition fails and hereby dismissed.

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

**(Amrita Sinha, J.)**