

12. 21.11.2022
BD Ct.15

W.P.A. 7587 of 2017

Sumitesh Dingal

-vs-

The State of West Bengal & Ors.

Mr. Ekramul Bari

Syed Mansoor Ali

Ms. Tanuja Basak

... for the petitioner.

Affidavit of service filed on behalf of the petitioner is taken on record.

The grievance of the petitioner is incorrect assessment made by the examiner while examining the answer script of mathematics of the petitioner who participated in the 11th Regional Level Selection Test (AT), 2010 for appointment in the post of Assistant Teacher in mathematics (Honours/PG) conducted by the concerned authority of the West Bengal School Service Commission.

The learned advocate representing the petitioner submits that had there been correct assessment of answers written by the petitioner to question nos. 16 and 30 and if based on correct assessment appropriate marks would have been awarded petitioner could have come within the zone of consideration for being appointed in the post of Assistant Teacher in mathematics since the marks which was awarded to the petitioner was 42.66 whereas the last empanelled candidate under the same category who got employment obtained 44 marks.

Today this Court has heard the learned advocate representing the petitioner. However, School Service Commission and the State respondents are not represented in spite of service of notice.

Having considered the submission made on behalf of the petitioner it appears that petitioner is praying for reassessment of the answers written by him to question nos. 16 and 30.

On query it has been submitted on behalf of the petitioner that there is no provision in the statute permitting the examiner appointed by the Commission to reassess the answer script of the candidate. In absence of statutory provisions empowering the concerned authority of the Commission to reassess the answer script the prayer as made in the writ petition for such reassessment cannot be acceded to.

In this regard reliance has been placed on the Judgment of the Apex Court reported in **2018(2) SCC 357 (Ran Vijay Singh & Ors. -vs- State of U.P. & Ors.)**.

In the above conspectus the writ petition stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)

