

Court No. 24
04.04.2022
(Item No. 32)
(AB)

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

W.P.A. 21174 of 2021

Jayanta Das
VS
The State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. Syed Mansur Ali
Sk. Imtiaj Uddin
..... for the petitioner
Mr. Prosenjit Mukherjee
Ms. Madhurima Sarkar
... for Madrasah Service Commission
Ms. Sipra Majumdar
Ms. Sangeeta Roy
..... for the State

Affidavit of service filed in Court today is taken on record.

The petitioner participated in the recruitment process of Sixth SLST, 2013 (AT) initiated by the Madrasah Service Commission. The petitioner was unsuccessful in the selection test. On an application made under the Right to Information Act, copy of the answer booklet was furnished to the petitioner.

Learned advocate for the petitioner submits that the petitioner falls short of only one mark. If the said one mark is allotted to the petitioner, he will qualify in the selection test.

Reference has been made to question No. 25 of the answer booklet appearing at page 41 of the writ petition. It has been submitted that question No. 25 was of two marks

and the petitioner has been allotted only one mark. The petitioner is entitled to one more mark.

It appears from the aforesaid answer script that the examiner examined the two answers of question No. 25 and found that one was correct and the other wrong. The examiner has awarded one mark to the petitioner and put a cross mark on the wrong answer.

According to the learned advocate of the petitioner, the said answer is not entirely wrong and one additional mark may be given to the candidate.

It is settled law that is not open for the Court to substitute its own findings and views to the answers which have been corrected by the subject expert. The Court is not at all inclined to re-evaluate the answer that has been written by the examinee. The examiner corrected both the answers and allotted marks on both. No apparent illegality has been pointed out before this Court requiring intervention in the matter.

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

The writ petition fails and is hereby dismissed.

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

(Amrita Sinha, J.)