

Court No. 22
28.03.2023
(Item No. 35)
(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side
W.P.A. 517 of 2023

Md. Jinnat Sk.
VS
The State of West Bengal & Ors

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Avjit Kar
..... for the petitioner

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
..... for respondent Nos. 2 to 5

Mr. Sirsanya Bandyopadhyay
Ms. Tapati Samanta
..... for the State

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

The petitioner was an aspirant and participated in the **1st State Level Selection Test 2016** for the post of **Assistant Teacher – History**. The final merit list was published on March 12, 2018. Subsequently, pursuant to a direction made by a co-ordinate bench the West Bengal Central School Service Commission (for short, the said Commission) had published the O.M.R. answer sheet of the aspirant on their official website. The relevant O.M.R. sheet for this petitioner is available as **Annexure P-12** at **page 64** to the writ petition. After publication of such O.M.R. sheet it appeared that the petitioner opted for answer option (B) against question No. 40,

which, according to the said Commission also, was the correct answer.

Now coming to the core dispute in this writ petition that, the petitioner though opted for answer option (B), the petitioner was not awarded the marks earmarked against the question No. 40.

Ms. Tapati Samanta, learned advocate led by Mr. Sirsanya Bandyopadhyay, learned Junior Standing Counsel for the State appeared for respondent No. 1.

Ms. Supriya Dubey, learned advocate led by Dr. Sutanu Kumar Patra, learned advocate appeared for respondent Nos. 2 to 5.

After considering the submissions made on behalf of the petitioner and on perusal of the materials on record and after due scrutiny of the O.M.R. answer sheet produced by the petitioner through this writ petition, it appeared to this Court that the petitioner had opted for the correct answer option being answer option (B) against the said question No. 40. The original answer key provided by the School Service Commission is annexed at **page 48** to the writ petition. The revised answer key is annexed at **page 59** to the writ petition.

For the foregoing reasons and discussions, it is directed to award the marks earmarked against question No. 40 to the writ petition as he had chosen the right answer option for the said question. After

awarding the said marks the Commission shall proceed to evaluate and assess the said writ petitioner strictly on the basis of his merit for taking him into the consideration zone in accordance with law and the prevailing rules and regulations.

Since affidavits are not called for, the allegations made in this writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 517 of 2023** stands disposed of.

There shall, however, be no order as to costs.

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

(Aniruddha Roy, J.)