

Court No. 22  
**28.03.2023**  
(Item No. 38)  
(AB)

**IN THE HIGH COURT AT CALCUTTA**  
**Constitutional Writ Jurisdiction**  
**Appellate Side**

**W.P.A. 1520 of 2023**

Jannatun Ferdous  
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

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

The petitioner was an aspirant and participated in the **1<sup>st</sup> 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-11** at **page 63** 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.

None appeared for the State.

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 petitioner as she 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 her merit for taking her 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 1520 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.)**