

81. 09.01.2023
bd. Ct.15

W.P.A. 2587 of 2015

Sk. Muklesur Rahaman

-vs-

The State of West Bengal & Ors.

Mr. Gouranga Kumar Das

... for the petitioner

Petitioner participated in 12th Regional Level Selection Test (HM) 2012 (for short “12th RLST) for being appointed in the post of Headmaster in Government aided recognised secondary school and participated in the written examination conducted by the Commission. Petitioner was not selected in consideration of his performance in the selection test which triggered the present writ petition wherein evaluation of answer script of paper-I, 12th RLST (HM), 2012 is questioned after the answer script is supplied to the petitioner. Petitioner has prayed for re-evaluation of some of the answers written by him in the written test, paper-I.

Today though the learned advocate has represented the petitioner, however, no one is representing the respondents including West Bengal Central School Service Commission.

However, this Court has heard the learned advocate representing the petitioner and perused the relevant materials available on record.

The grievance of the petitioner is not awarding appropriate marks to some of the answers written by him in the written test, paper-I.

Learned advocate for the petitioner has pointed out answer written by the petitioner against question no. 2 and on perusal of answers it does not appear that the assessment made by the examiner appointed by the Commission is erroneous.

It addition thereto there is no statutory provision empowering the West Bengal Central School Service Commission to re-evaluate answer script.

Reliance has also been placed on the judgment of the Hon'ble Apex Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & Ors.-vs- State of Uttar Pradesh & Ors.)**. Paragraph 30.2 of the said judgment has carved out exception when writ court can exercise discretion directing the authority to re-evaluate the answer script. It has been observed by the Hon'ble Apex Court in the said paragraph that if a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed.

Herein in the present case in consideration of the answer sheet annexed to the writ petition it does not appear that any material error has crept in.

Accordingly, 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.)