

03. 10.05.2023
Ct.15
bd.

WPA 2270 of 2014

Animesh Nath

-vs-

The State of West Bengal & Ors.

Mr. Pritam Chowdhury ... for the Petitioner.

Ms. Anandamoyi Ghosh ... for the State.

Mr. K.K.Bandopadhyay ... for the WBCSSC.

Petitioner participated in 12th Regional Level Selection Test 2011 for being appointed in the post of Assistant Teacher in Pure Science under pass category. However, on publication of merit list petitioner was found unsuccessful which triggered the present writ petition wherein petitioner has prayed for re-evaluation of answer scripts of physics and chemistry. The answer script of physics is annexed to this writ petition and petitioner has drawn attention of this Court to the exercise made by the examiner while evaluating answer written by the petitioner to question no. 3. Though petitioner has made an attempt to point out discrepancy in assessing the answer to question no. 3 but on perusal of answer it appears that the examiner has checked the answer and made endorsement against the said answer which goes to show that the answer did not go unchecked.

This Court has also posed a query to the learned advocate representing the petitioner whether there is any statutory provisions which empowers the West Bengal Central School Service Commission to re-evaluate answer script of the

petitioner upon appointing another examiner. This Court does not get any satisfactory answer.

However, learned advocate representing the Commission submits that there is no such statutory provision relating to re-evaluation of answer script.

Since the law has been well settled by the judgment of the Apex Court reported in **(2018) 2 SCC 357 in (Ran Vijay Singh & Ors. -vs- State of Uttar Pradesh & Ors.)** this Court need not dilate this issue of re-evaluation further in absence of statutory provisions. However, this Court finds it apt to quote paragraph 30.2 of **Ran Vijay Singh (supra)** below:

“ 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 rationalization” and only in rare or exceptional cases that a material error has been committed.”

In view of above conspectus this writ petition does not merit consideration and accordingly the same 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.)