

Court No. 22
25.01.2023

(Item No. 11)

(AB)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 8783 of 2021

Bandana Karmakar
VS
State of West Bengal & Ors.

Mr. Ashis Kumar Chowdhury
Mr. Rajib Ghosh
Mr. Rohan Paul
.... For the petitioner
Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.... For the respondent Nos. 2, 4 & 5

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

Pursuant to the leave granted by this Court on January 13, 2023, a supplementary affidavit affirmed on January 18, 2023 disclosing the relevant OMR sheets in respect of the Question No. 40, is filed today in Court by extending the time for the same, is taken on record. A copy of the said supplementary affidavit has already been served upon Dr. Sutanu Kumar Patra, learned advocate for respondent Nos. 2, 4 and 5.

The petitioner was the aspirant and participated in the **1st State Level Selection Process – 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

coordinate Bench the West Bengal Central School Service Commission (for short 'the said Commission') had published the OMR Answer-sheets of the aspirants on their official website. From such publication it appeared that the petitioner opted for the answer option (B) 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.

After considering the submissions made on behalf of the petitioner and on perusal of material on record and after due scrutiny of the OMR answer-sheet produced by the petitioner through the supplementary affidavit, it appears to this Court that the petitioner had opted for the correct answer option being answer option (B) against the Question No. 40.

For the foregoing reasons and discussions it is directed to award the marks earmarked against Question No. 40 to the writ petitioner. 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 allegation made in the writ petition are deemed not to have been admitted by the respondents.

On the above terms, this writ petition being **WPA 8783 of 2021** 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.)