
Rekha Roy

Vs.

The State of West Bengal & Ors.

Mr. Ashis Kr. Chowdhury
Mr. Rajib Ghosh.

...For the Petitioner

Dr. Sutanu Kr. Patra
Ms. Supriya Dubey.

....For the SSC

A supplementary affidavit affirmed on January 5, 2023 disclosing the relevant **OMR-Sheet in respect of Question No. 40**, filed today, is taken on record. A copy of the said supplementary affidavit has been served upon the respondents.

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 the materials 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 the law and the prevailing rules and regulations.

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

In view of the above, the writ petition, **WPA 7835 of 2022** stands disposed of on the above terms.

Photostat certified copy of this order, if applied for, be furnished expeditiously.

(Aniruddha Roy, J.)