

**WPA 9529 of 2022
With
CAN 1 of 2022
Debapriya Chakraborty
Vs.
The State of West Bengal & Ors.**

Mr. Partha Chakraborty

...for the Petitioner

Mr. Nilotpal Chatterjee,
Mr. Amrita Lal Chatterjee,
Mr. Satyaki Banerjee

...for Calcutta University

Mr. Mani Sankar Chattopadhyay

...for the Respondent No. 6

Mr. Swapan Kr. Datta,
Mr. Tapas Kr. Mandal

...for the State

It is the grievance of the petitioner that her answer scripts for Paper II and III of B.A. Part-II Sociology have not been properly evaluated by the College.

As per the prevailing practice during the pandemic period, candidates were required to upload their answer scripts to be evaluated by the relevant College.

After the evaluation, the marks obtained by the candidate were sent to the University and on the basis thereof the University used to issue mark sheet to the candidates. The total marks of the examination in every subject was 100. The marks allotted for the written examination were 50. Remaining 50 marks were allotted for the assessment of the candidate on the basis of his/her performance in the previous semester.

It appears from the mark sheet awarded by the

University in favour of the petitioner that out of 100 marks in total, she obtained 26 marks in Paper II and 18 marks in Paper III.

The College was asked to produce the answer scripts for the said two papers. The College on September 5, 2022 produced the said answer scripts to demonstrate that in Paper II the petitioner obtained 8 marks out of 50 while in Paper III the score of the petitioner was zero out of 50. The answer scripts produced by the College were made over to the petitioner.

The petitioner alleged that the College did not produce the answer script for Paper III. The said zero mark was awarded in Paper III. On January 20, 2023, this Court directed the Controller of Examination of the University, respondent no. 5 to enquire into the allegations of the petitioner and file a report before this Court within one month from that date. On April 11, 2023, the Controller of Examination in her report opined, inter alia, as follows :-

“It is difficult for the undersigned to draw any final conclusion on the basis of dissimilar statements and supportive documents furnished by the college and candidate. To resolve this issue, a subject expert recommended by the concerned Undergraduate Board Studies under this University, is desired.”

To ascertain the precise number of pages of answer scrip for Paper III of Sociology uploaded by the petitioner, the petitioner/her graduation and the

representative of the College was directed to remain present at the office of the Controller of Examination on April 19, 2023 at 5 p.m. with necessary documents/gadgets.

Mr. Nilotpal Chatterjee, learned advocate was also requested to be present at the time of hearing before the Controller of Examination. The Controller of Examination was given liberty to engage a subject expert of her choice.

Subsequently, another report was filed by the Controller of Examination before this Court and from the said report, it appeared that on December 24, 2020, father of the petitioner uploaded the answer script for Paper II and Paper III of Sociology Part II examination. Subsequently, on December 26, 2020, some more pages were again uploaded claiming to be part of the answer script for Paper II of Sociology of Part II examination.

The report made it clear that Paper III answer script (9 pages) as uploaded by the petitioner's father on December 24, 2020 had not been evaluated by the College at all.

On May 3, 2023, learned advocate appearing for the Principal of the college was requested to take instruction as to how and when the College could complete the evaluation of answer script of Paper III of Sociology Part II examination.

Today, It has been submitted by the learned

advocate representing the Principal that the College will complete the evaluation of Paper III of Sociology of Part II within 15 days from date by appointing an appropriate examiner.

In that view of the matter, this writ petition is disposed of with a direction upon the college to complete the evaluation of the said answer script containing 9 pages and accordingly send the marks to the university within two weeks from date.

Based on the evaluated answer script, the university will issue a rectified mark-sheet to the petitioner within two weeks thereafter.

This Court appreciates the fair and positive role played by the university authorities and Mr. Nilotpall Chatterjee, learned advocate representing the university in meeting out justice to an innocent student who has been subjected to undue harassment due to negligence on the part of the college authority.

WPA 9529 of 2022 along with **CAN 1/2022** is disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with the requisite formalities.

(Kausik Chanda, J.)