

20.06.2023
Item No. 3
Crt. No.11.
KB

**FMA 15 of 2022
with
CAN 2 of 2023**

**Chandan Bhattacharya
-Vs-
WBSSC & Ors.**

Mr. Suddhadev Adak
Ms. Arpita Mondal Adak
... For the Appellant.

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
... For the WBCSSC.

Mr. Bhaskar Prasad Vaisya
Mr. Suman Dey
... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause title.

Learned Counsel appearing on behalf of the appellant submits that the question nos. are 6, 12, 17 and 20, in respect of which the appellant has preferred to enhance his marks through the writ petition and now the instant appeal, in the examination held by the Regional School Service Commission, Western Region, Bankura for the post of Assistant Teacher in respect of the subject in History (Pass) Part-I, have been incorrectly marked.

Learned Counsel appearing on behalf of the appellant has submitted that in respect of Question

no.6 he is unable to find out as to what wrong has been committed by the appellant.

Learned Counsel further submits that in respect of Question nos.12 and 17 whatever details were sought for, have been answered elaborately by the appellant and for a short question of two marks nothing more was to be provided.

Learned Counsel further submits that in respect of Question no.20 the appellant has mentioned the name of the newspapers which was sought for. He has further reiterated that these questions being short Questions of two marks needed no elaborate discussion.

Banking upon the facts and circumstances, Learned Counsel appealed for enhancing the marks in respect of Question nos. 6, 12, 17 and 20 and thus allowing the instant appeal.

Learned Senior Counsel, Dr. Patra appearing on behalf of the West Bengal School Service Commission (hereinafter to be referred to as the WBSSC), has submitted that in the answer to the Question No.6 the spelling “ হরিষণ ” ought to be written as “ হরিষেন ”. In stead the appellant has written “ হরিষেন ” so there is a mistake. In respect of the answers to Question nos. 12 and 17,

Learned Senior Counsel has submitted that these questions being of the subject 'History' the year of occurrence of the incidents ought to have been mentioned to receive full marks.

Learned Senior Counsel has brought to the notice of this Court the answer given by the appellant in respect of Question no.1 wherein the appellant has mentioned the year and has obtained full marks, i.e. two. As such Learned Senior Counsel has submitted that half marks each have been deducted in respect of the Question nos.12 and 17.

Learned Senior Counsel has further submitted that in respect of the answer to Question no.20, the name of 'Jugantar' the daily newspaper which used to be published during that time and which played an active role has not been mentioned in the answer to the Question no.20.

In the answer written by the appellant names of the three newspapers have been mentioned while the name of the fourth newspaper has not been mentioned but the name 'Jugantar' should have been mentioned. As such one and half mark has been awarded and not the full two marks.

Relying on the aforesaid submission, Learned Counsel submitted that the assessment which has

been made in respect of the appellants' answer script is the correct one and has tallied with the view of the expert. As such he pressed for rejection of the instant appeal.

On going through the Report of the expert, namely, Professor Suman Bandyopadhyaya Associate Professor, Deptt. Of History, Probhu Jagabandu College, which has been furnished today, it reveals that in the answer in respect of Question no.6 there is a spelling mistake “ হরিষেন ” has been written in Bengali. The appellant has written “ হরিষেন ” and the correct spelling is “ হরিষণ ”

In respect of the answer to Question nos. 12 and 17 respectively, date/year have not been mentioned, while in respect of the answer to Questions no.1 and to Question no.19, years have been mentioned and the appellant has been awarded full two marks. As such deduction of half mark each in respect of Question nos. 12 and 17 for not mentioning the year is correct, in the view of this Court.

In respect of the Question no.20 the appellant has mentioned three newspapers while the name of the fourth newspaper has not been mentioned as

such one and half mark has been awarded and half mark has been deducted.

It is settled that the view of the experts are considered and given weightage by the Court and in this instant case also, following such settled proposition, this Court does not find any reason to interfere with the assessment of experts and thus the order passed by the Hon'ble Single Bench is not interfered with.

The expert's view dated 10.07.2019 be retained with the record.

As such the instant appeal being **FMA 15 of 2022** with **IA No. CAN 2 of 2023** stand accordingly **disposed of**.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Supratim Bhattacharya, J.) (Subrata Talukdar, J.)