

04.10.2023
SL No.4
Court No.8
(gc)

**MAT 1242 of 2022
CAN 1 of 2022**

**Tapas Das & Anr.
VS
The State of West Bengal & Ors.**

Mr. Dibyendu Chatterjee,
Mr. Rahul Deb Goenka,
Mr. Mainak Singha Barma
...for the Appellants.
Mr. Bhaskar Prasad Vaisya, A.G.P,
Mr. Sagnik Chatterjee
...for the State.
Dr. Sutanu Kumar Patra,
Ms. Debolina Chakraborty,
..for the W.B.C.S.S.C.

1. The W.B.C.S.S.C is unable to respond to the queries of this Court on the earlier occasion.
2. As recorded in our earlier order, indisputably, the appellant no.2 is entitled to be awarded one mark for question no.40 which the W.B.C.S.S.C has conceded. However, in respect of question no.6, no mark was awarded to the appellant no.2.
3. In view of the judgment of Hon'ble Justice Mantha in **WPA 10359 of 2022 (Manabendra Pramanik & Anr. Vs. State of West Bengal & Ors.)** by which the Commission was directed to award marks to the writ petitioners in the event

the answer to question no.6 is either (a) or (b). The appellant no.2 is also entitled to such benefit. In fact, the order passed in ***Manabendra Pramanik*** has been accepted by the Commission. In view thereof, applying the same principle, the appellant no.2 would be entitled to one additional mark by which the correct mark would be 81. Insofar as the appellant no.1 is concerned, we have already rejected his prayer in terms of our earlier order dated 27th September, 2023.

4. In view of the aforesaid order, all consequential benefits shall be extended to the appellant no.2.
5. Accordingly, the appeal and the application stand disposed of.
6. However, there shall be no order as to costs.
7. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)