

Item-2. 11-10-2023

MAT 1243 of 2022
CAN 1 of 2022

sg Ct. 8

Raju Sha & Ors.
Versus
The State of West Bengal & Ors.

Dr. Sutanu Kumar Patra, Adv.

Ms. Supriya Dubey, Adv.

...for the WBCSSC

Mr. Bhaskar Prasad Vaisya, Adv.

Mr. Ranjan Saha, Adv.

...for the State

1. We have considered the report filed on behalf of the respondent nos. 5 and 6. The petitioners are all candidates of First State Level Selection Test, 2016 for subject History. The appellants raised grievance with regard to the marks awarded to them to the answers given to question nos. 11, 12 and 23. They have challenged the correctness of the answers given in the model key answers to the said questions.
2. It is the contention of the respondent Commission that a suggested key answers were prepared by the experts and were uploaded in the official website of the Commission on 4th December, 2016 for taking opinion from all candidates, as would appear from the Notification dated 13th December, 2016. It clearly clarifies that differences of opinion would be judged by two subject experts, whose decision would be treated as final.
3. The procedure followed for preparation of the final key answer involves the experts who prepared the model key answers as well as the two experts who prepared the final key answers, that too, after taking the suggestions from a

large number of candidates.

4. The petitioner did not disclose in the pleading that they had given any opinion as per the Notification dated 13th December, 2016. The final mode key answers was followed for assessment of all answer scripts including those of the petitioners, which have been prepared by the two subject experts in terms of the Notification dated 13th December, 2016.
5. Under such circumstances, we accept the submission made on behalf of the Commission that the correctness of the key answers prepared by the experts should be presumed to be correct.
6. In view of the above, we do not find any reason to interfere with the order passed by the learned Single Judge. The appeal fails.
7. MAT 1243 of 2022 and the application being CAN 1 of 2022 are accordingly, dismissed. However, there shall be no order as to costs.

(Uday Kumar, J.)

(Soumen Sen, J.)