

08.12.2023

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WPA 17634 of 2023

Anasuya Adhikari
Vs.
The State of West Bengal & Ors.

Mr. Sukanto Chakraborty
Mr. Subrato Mukherjee
Mr. Zubair Ahmed
... For the petitioner.

Mr. Pulak Ranjan Mandal
Ms. Bandana Mandal
Mr. Subhrangsu Panda
... For WBCSC.

Ms. Sanjukta Dutta
... For Jadavpur University.

Mr. Bhaskar Prasad Vaisya, AGP,
Mr. Arindam Chattopadhyay
... For the State.

When the matter was taken up for hearing on September 18, 2023, this Court passed, inter alia, the following order: -

“The petitioner had appeared in the 24th State Eligibility Test Examination conducted by the College Service Commission, West Bengal.

By a notification dated 20th January, 2023, the candidates of the examination were asked to send their feedback to the Commission by January 31, 2023.

Following the said notification, the petitioner submitted her feedback which was examined by an expert appointed by the College Service Commission. The

expert found that the questions provided by the College Service Commission were accurate but the petitioner failed to give correct answers against those questions.

It has been submitted by the learned advocate for the petitioner that the expert opinion is not correct. He prays for re-examination of her feedback by appointing another expert.

As a special case, this Court accepts the prayer of the petitioner subject to deposit of Rs. 10,000/- (Ten thousand) before the College Service Commission within a period of two weeks from date.

If such deposit is made, the Vice-Chancellor or the Acting Vice-Chancellor of Jadavpur University shall appoint an expert to examine the feedback given by the petitioner and the College Service Commission shall provide the necessary papers to the said expert.

The University shall file a report before this Court on the next date of hearing.

The petitioner has already been cautioned that if again the opinion of the said expert goes against her, the College Service Commission shall be entitled to forfeit the deposited amount.

Needless to mention that if the expert opinion goes in favour of the petitioner, the necessary consequences will follow.

Ms. Sanjukta Dutta, learned advocate, who normally appears on behalf of

Jadavpur University, is requested to appear in this matter.

Let her appointment be regularised.

The petitioner shall communicate this order to Ms. Dutta, learned advocate.

List this matter after four weeks under the same heading.

Today, the report of the expert has been placed before this Court.

A perusal of the expert report indicates that only the answer to the Question no. 8 of Paper-I was not correctly mentioned.

Mr. Pulak Ranjan Mandal, learned advocate appearing for the College Service Commission has disputed the report of the expert.

The petitioner has taken an exception to the said report.

I am not inclined to interfere with the expert opinion in exercise of writ jurisdiction. Going by the expert report, even if additional two marks are awarded to the petitioner, he will not attain the cut off marks for the relevant selection.

Therefore, there is no justification to continue with the litigation any further.

Accordingly, **WPA 17634 of 2023** is dismissed.

Having regard to the facts of the case, the petitioner will be entitled to a refund of 50% of Rs. 10,000/- as deposited by him before the Commission.

The College Service Commission shall refund Rs. 5,000/- to the petitioner within one week from date.

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

(Kausik Chanda, J.)