

35-44, 06.01.2023
46-50, Ct. no.22
Sc

WPA 14053 OF 2022

Md. Mahidul Islam

Vs.

The State of West Bengal & Ors.

with

WPA 21361 OF 2021

Kankan Mondal

Vs

The State of West Bengal And Ors.

with

WPA 21363 OF 2021

Shraboni Dutta

Vs

The State of West Bengal And Ors.

with

WPA 21368 OF 2021

Rupali Routh Bej

Vs

The State of West Bengal And Ors.

with

WPA 21369 OF 2021

Md. Alamgir Hossain

Vs

The State of West Bengal And Ors.

with

WPA 21373 OF 2021

Rima Dutta

Vs

The State of West Bengal And Ors.

with

WPA 21376 OF 2021

Laltu Mistry

Vs

The State of West Bengal And Ors.

with

WPA 21379 OF 2021

Soumen Biswas

Vs

The State of West Bengal And Ors.

with

WPA 21381 OF 2021

Sabnam Ara

Vs

The State of West Bengal And Ors.

with

WPA 21383 OF 2021

Mamtaj Parvin

Vs

The State of West Bengal And Ors.

with

WPA 8562 OF 2022

Sunil Kumar Das

Vs

The State of West Bengal And Ors.

with

WPA 8567 OF 2022

Sazzad Hossain Mondal

Vs

The State of West Bengal And Ors.

with

WPA 9319 OF 2022

Chhotan Saha

Vs

The State of West Bengal And Ors.

with

WPA 9333 OF 2022

Samiran Mondal

Vs

The State of West Bengal And Ors.

with

WPA 12031 OF 2022

Md. Maniruzzaman

Vs

The State of West Bengal And Ors.

Mr. Partha Sarathi Bhattacharyya

Mr. Rajib Ghosh

Mr. Arunava Maiti

Mr. Rohan Paul.

.... For the Petitioners
in all the writ petitions

Mr. Avishek Prasad

....For the State in
WPA 21361 of 2021

Mr. Rajarshi Basu

....For the State in
WPA 21363 of 2021

Mr. Santanu Kr. Mitra

Mr. Mirza Kamruddin.

....For the State in
WPA 21373 of 2021

Mr. Gausul Alam

Mr. Ranjit Rajak.

.... For the State in
WPA 21376 of 2021

Mr. Supriyo Chattopadhyay

Ms. Sayantanee Bhattacharya.

.....For the State in
WPA 21381 of 2021

Ms. Sanghamitra Nandy

Mr. Benazir Ahmed.

....For the State in
WPA 21383 of 2021

Mr. Raja Saha

Mr. Bibekananda Tripathy.

.....For the State in
WPA 8562 of 2022

Mr. Bhaskar Prasad Vaisya

Mr. Mrinak Kanti Ghosh.

.....For the State in
WPA 8567 of 2022

Mr. Ranjan Saha

.....For the State in
WPA 12031 of 2022

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey.

.... For the WBCSSC
in all writ petitions

In terms of the leave granted by this Court on January 4, 2023 the necessary **supplementary affidavits** in **WPA 14053 of 2022, WPA 21361 of 2021, WPA 21368 of 2021, WPA 21369 of 2021, WPA 21376 of 2021, WPA 21379 of 2021, WPA 21381 of 2021, WPA 21383 of 2021, WPA 8567 of 2022, WPA 9319 of 2022, WPA 12031 of 2022**, disclosing the relevant **OMR-sheets in respect of the Question No. 40**, filed today, are taken on record. A copy of each of the said supplementary affidavit has been served upon the respondents.

ACO

Mr. Partha Sarathi Bhattacharya, learned senior counsel appearing with Mr. Ashis Kumar Chowdhury, learned counsel for all the petitioners submitted and confirmed this Court that the writ petitioners in **WPA 21363 of 2021 (serial no. 37** of today's list) and **WPA 21373 of 2021 (serial no.40** of today's list) do not wish to proceed with their respective writ petitions and, accordingly, the said two writ petitions **WPA 21363 of 2021 (serial no. 37** of today's list) and **WPA 21373 of 2021 (serial no.40** of today's list) stand **dismissed as not pressed**.

The petitioners were the aspirants and participated in the **1st State Level Selection Process – 2016 for the**

post of Assistant Teacher – History. The final merit list was published on **March 12, 2018**. Subsequently, pursuant to a direction made by a coordinate Bench the **West Bengal Central School Service Commission** (for short ‘the said Commission’) had published the OMR Answer-sheets of the aspirants on their official website. From such publication it appeared that the petitioners opted for the answer option (B) which, according to the said Commission also, was the **correct answer**. Accordingly, the said order dated **January 4, 2023** **stands corrected and clarified.**

Now coming to the core dispute in this series of writ petitions that the petitioners though opted for **answer option (B)** they were not awarded the marks earmarked against the **Question No.40**.

After considering the submissions made on behalf of the parties and on perusal of materials on record and after due scrutiny of the **OMR answer-sheets** produced by the petitioners in this series of writ petitions through their respective supplementary affidavits, it appears to this Court that the petitioners had opted for the correct answer option being **answer option (B)** against the **Question No.40**.

For the foregoing reasons and discussions except the said two writ petitions **WPA 21363 of 2021** (serial no. 37 of today’s list) and **WPA 21373 of 2021** (serial no.40 of today’s list), in all other writ petitions in the

series mentioned above, the said Commission is directed ***to award the marks earmarked against the Question No.40*** to the writ petitioners. After awarding the said marks the Commission shall proceed to evaluate and assess the said writ petitioners strictly on the basis of their respective merits for taking them into the consideration zone in accordance with law and the prevailing rules and regulations.

Since affidavits are not called for, the allegation made in the writ petitions are deemed not to have been admitted by the respondents.

Mr. Ashis Kumar Chowdhury, learned counsel for the petitioners has assured this Court that in all the writ petitions in this series, the necessary supplementary affidavits have been affirmed and filed in Court today save and except the said two writ petitions, ***WPA 21363 of 2021 (serial no. 37*** of today's list) and ***WPA 21373 of 2021 (serial no.40*** of today's list), which are ***dismissed as not pressed***.

In view of the above, all these writ petitions - ***WPA 14053 of 2022, WPA 21361 of 2021, WPA 21368 of 2021, WPA 21369 of 2021, WPA 21376 of 2021, WPA 21379 of 2021, WPA 21381 of 2021, WPA 21383 of 2021, WPA 8562 of 2022, WPA 8567 of 2022, WPA 9319 of 2022, WPA 9333 of 2022, WPA 12031 of 2022*** - ***stand allowed*** on the above terms.

There will be no order as to costs.

ACO

A copy of this order be placed in the records of each
of the writ petitions

Photostat certified copy of this order, if applied for,
be furnished expeditiously.

(Aniruddha Roy, J.)