

7 03.5.2023
Sc Ct. no.22

WPA 21317 OF 2022

Subrata Kulavi

Vs.

The State of West Bengal & Ors.

Mr. Shamim ul Bari
Ms. Molly Saha
Ms. Keya Sutradhar.

.... For the Petitioner

Mr. Biswabrata Basu Mallick
Mr. Sayak Chakraborty.

..... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey.

.... For the SSC

The petitioner was an aspirant in the ***First State Level Selection Test, 2016*** for the subject – ***Sanskrit (Classes XI – XII) for the post of Assistant Teacher under Post Graduate Category.*** The petitioner contended that, the answerscript was not properly evaluated and he claimed that the marks awarded on the basis of his answer-sheet was less than what he had performed.

The writ petition was considered on November 29, 2022, the order speaks for itself.

The respondent nos. 3 and 4 were directed to file a report in the form of an affidavit. Following the direction of this Court, a report was filed in the form of an affidavit on behalf of the respondent nos. 3 and 4 affirmed on

February 6, 2023. The relevant averment from the report is quoted below :

“Pursuant to the direction passed by the Hon’ble Court I say that the Commission re-checked the OMR sheet of the petitioner manually by comparing the answers given by the petitioner with the final key answers question-wise. Upon comparing the answers given by the petitioner with the final model answers it appeared that the petitioner had answered all 55 questions correctly and that he was entitled to get 55 marks out of 55 and not 54. Accordingly, the petitioner is entitled to be awarded 55 marks out of 55 in the written test.”

In view of the above stand taken by the respondent nos. 3 and 4, the performance and the answerscript of the petitioner shall be evaluated by the respondent numbers 3 and 4 after awarding the numbers and, accordingly, the candidature of the petitioner shall be adjudged strictly in terms of merit and on the basis of **total number 55** in accordance with law.

The respondent no.4 shall take all consequential and further steps in the matter forthwith on the basis of the total marks 55.

With the above observation and direction this writ petition, **WPA 21317 of 2022** stands disposed of, without any order as to costs.

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

(Aniruddha Roy, J.)