

03.10.2023
SL No.70
Court No.8
(gc)

**MAT 2089 of 2022
CAN 1 of 2023**

**The West Bengal Madrasah Service Commission
Vs.
Mijanur Islam & Ors.**

Mr. Kamalesh Bhattacharya,
Mr. Prosenjit Mukherjee,
Ms. Madhurima Sarkar,
...for the Appellant.
Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. June Modak,
... for the Writ petitioner/
Respondent No.1.
Mr. Bhaskar Prasad Vaisya, A.G.P.,
Mr. Ranjan Saha,
... for the State.

1. We have heard the learned Counsel for the parties.
2. We have also carefully read the report filed by the Secretary, West Bengal Legislative Assembly. The dispute is with regard to the answer to question no.9 which is quoted below:-

“9. ‘Zero hour’ in State Legislative Assembly is

- (A) 1 P.M.***
(B) time of sleep
(C) end of the day’s session
(D) expected time of verbal attack”

3. The report filed by the Secretary refers to a prevailing practice for “Zero hour” mentions generally starts before taking up the Rules of

business fixed for the day. The petitioner has selected “D” as the answer for “Zero hour”. This comes close to what has been indicated by the report of the Secretary. It normally would mean the time when the members of the Legislative Assembly raised questions.

4. Under such circumstances, we may not have to go to any other issues addressed by the learned Single Judge and confine to the relief prayed for by the writ petitioner in view of his answer “D” in question 9 in the OMR sheet. The candidates who have opted for answered ‘D’ is entitled to be awarded marks. The said answer being correct the writ petitioner is entitled to the relief.
5. The impugned order is modified to the aforesaid extent.
6. With the aforesaid observation, the appeal and the application stand disposed of.
7. However, there shall be no order as to costs.
8. Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Uday Kumar, J.)

(Soumen Sen, J.)