

14. 09.01.2023
bd. Ct.15

W.P.A. 32060 of 2014

Khondekar Nur Alam

-vs-

West Bengal Regional School
Service Commission (E.R.) Institute of Engineering
& Technology Campus & Ors.

Mr. Asim Kumar Ray

... for the petitioner

Dr.S.K. Patra

Ms. Supriya Dubey

... for the SSC

Petitioner participated in 12th Regional Level Selection Test (AT) 2011 (for short “12th RLST) under Hons./P.G. category for being appointed in the post of assistant teacher in mathematics. However, petitioner was not found to be selected on examining his answer script in mathematics. Feeling aggrieved petitioner approached the concerned authority of the West Bengal Central School Service Commission for supply of answer script. Accordingly, the answer script of the petitioner was supplied. On looking at the answer script petitioner was dissatisfied with regard to evaluation of answers written by the petitioner against question nos. 15 and 19. During course of submission petitioner has also relied upon model answer sheet which was supplied by the Commission vide letter dated 13/14th August, 2015. On placing reliance on the answers written by the petitioner against question nos. 15 and 19 and also the model answers in connection with those two questions namely 15 and 19 prayer has been made for re-evaluation of those two answers of the

petitioner by another examiner.

The Commission is also represented by learned advocate who has opposed the prayer made on behalf of the petitioner on the ground that there is no statutory provisions empowering the Commission to re-evaluate the answer script. Therefore, such prayer made on behalf of the petitioner for re-evaluation on answer script cannot be countenanced.

This Court has heard the learned advocates representing the parties and perused the relevant materials available on record.

The prayer of the petitioner for re-evaluation of answers in connection with question nos. 15 and 19 of mathematics paper cannot be acceded to since statutory provisions do not permit the Commission to re-evaluate answer scripts.

It is well settled by the Hon'ble Apex Court in the judgment reported in **(2018) 2 SCC 357 (Ran Vijay Singh & Ors.-vs- State of Uttar Pradesh & Ors.)** that if a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalisation and only in rare or exceptional cases that a material error has been committed.

In view of law laid down in the case of **Ran**

Vijay Singh (supra) this Court does not find on perusal of the materials available on record that material error has been committed as contemplated in paragraph 30.2 of the aforesaid judgment of the Hon'ble Apex Court.

According to this Court the question raised in this writ petition does not come within the ambit of exception as carved out in the judgment of the Hon'ble Supreme Court.

Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)