

15. 09.01.2023
bd. Ct.15

W.P.A. 32627 of 2014

Waheduz Zaman
-vs-
State of West Bengal & Ors.

Mr. Ekramul Bari
Mr. S.M. Ali
... for the petitioner.

Dr.S.K. Patra
Ms. Supriya Dubey
... for the SSC

Petitioner participated in 12th Regional Level Selection Test (HM) 2012 (for short “12th RLST) for appointment in the post of Headmaster. After participation he was found ineligible by the West Bengal Central School Service Commission which prompted the petitioner to approach the Commission for supply of answer script of paper I (Part-I). On perusal of such answer script which was supplied to the petitioner by the Commission petitioner was dissatisfied on awarding of marks by the examiner appointed by the Commission which prompted the petitioner to approach the Court by filing the present writ petition. Petitioner is praying for re-evaluation of answer script of paper-I of 12th RLST (HM), 2012. Petitioner in paragraph 4 of the writ petition has described the question nos. against which according to him, less marks were awarded upon evaluation of answers, which according to the petitioner is improper.

The West Bengal Central School Service Commission is represented by learned advocate who has submitted that there is no statutory provisions relating to 12th RLST (HM), 2012 which empowers the Commission to re-evaluate the answer script. Therefore, the prayer of the petitioner for re-evaluation has been opposed on behalf of the Commission.

This Court has heard the learned advocates representing the parties and perused the relevant materials available on record including the answer script which is annexed to the writ petition.

The issue of re-evaluation of answer script of examination has already been decided by the Hon'ble Supreme Court in the case reported in **(2018) 2 SCC 357 (Ran Vijay Singh & Ors.-vs- State of Uttar Pradesh & Ors.)** wherein it has been decided in paragraph 30.2 that re-evaluation of an answer script is only permissible in rare or exceptional cases when material error has been committed. It has also been decided therein that such re-evaluation is permissible if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalisation that there is material error which has been committed at the time of evaluation of answer script.

This Court does not find any such material error which has been crept in on the answer script of paper-I, under 12th RLST (HM), 2012. Therefore the issue raised in this writ petition does not come

within the exception carved out by the Hon'ble Apex Court in the case of ***Ran Vijay Singh*** (supra).

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.)