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ORDER SHEET

WPO/395/2017

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

ANKITA BANDYOPADHYAY
VERSUS
UNIVERSITY OF CALCUTTA AND ORS.

BEFORE:
The Hon'ble JUSTICE KAUSIK CHANDA
Date : February 6, 2023.

Appearance:
Mr. Naba Kumar Das, Adv.
Ms. Diana Ghosh Dastidar, Adv.
... for the petitioner

Mr. Nilotpal Chatterjee, Adv.
Mr. S. Sengupta, Adv.
...for the respondents

The Court: The petitioner, a student of B.Com. (Hons.) under Calcutta University, submitted that her Financial Accounting Paper (C-22A) was not properly evaluated by the University and that some questions were not even assessed by the examiner.

The answer script was later provided to the petitioner following her application under the Right to Information Act, 2005 and has been annexed to the writ petition.

Mr. Naba Kr. Das, learned counsel appearing for the petitioner, argued that the answers given by the petitioner were not properly evaluated by the University.

The University was directed to file a report. The report filed by the University suggests that the petitioner applied for review of the said paper on November 10, 2016 through her college. The University duly reviewed the marks awarded in the said paper and after review the marks remained unchanged. Her score was 32 out of 100. It was further suggested that by adding the marks awarded in each of the questions, the marks obtained by the petitioner in the said paper also came to 32.

Mr. Naba Kr. Das, learned advocate appearing for the petitioner has strenuously argued before this Court that the answer paper of the petitioner was only “reviewed” but not “re-evaluated.” He says that “review” of an answer script is totally different from “re-evaluation” of the answer script.

I have recorded the submission of Mr. Das only to reject the same.

I accept the submission of the University that there is no difference between the “review” of an answer script and the “re-evaluation” of the same. It is well-known that in post-publication scrutiny, simply the marks are again added, but in case of review, a second examiner again examines the answer to ascertain as to whether they have been properly evaluated or not.

It does not appear before this Court that any of the answers given by the petitioner remained unassessed. Admittedly, the answer script of the petitioner was reviewed by the University and the same cannot be subjected to any further “re-assessment” or “re-evaluation” as suggested by Mr. Das. The regulation of the University does not provide for second time review of an answer script.

In exercise of powers under Article 226 of the Constitution of India, I am not inclined to sit in appeal over the marks awarded by the examiner in review.

Accordingly, this writ petition, WPO/395/2017, is dismissed.

Urgent certified website copies of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(KAUSIK CHANDA, J.)

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