

31.07.2024
Court No. 18
Item No. 414(ML)
(Suvendu)

WPA 3357 of 2023

Bibekananda Mukhopadhyay

-Versus-

West Bengal Board of Secondary
Education & Ors.

Mr. Chittapriya Ghosh

Mr. Mousumi Banerjee

.....for the petitioner

Ms. Saswati Chatterjee

.....for the WBBSE

Father of a candidate who participated in Madhyamik Pariksha, 2022 (Secondary Examination, 2022) has come up with the present writ petition since the candidate was dissatisfied with marks awarded in English paper. An application was made by the candidate for scrutiny of English answer script and on scrutiny there was enhancement of eleven and half marks. Still the candidate is not satisfied with marks, awarded in English paper. The candidate by filing this writ petition through his father prays for re-evaluation of English answer script.

In spite of the fact that relevant examination Rules do not permit re-evaluation of answer script of a successful candidate in the said examination, a Coordinate Bench vide order dated 26th September, 2023 directed the West Bengal Board of Secondary Education to file a report. Accordingly, a report prepared by the Secretary of the Board dated 11th October, 2023 is placed before this Court and the same is taken record.

On perusal of the said report, it appears that one of the enlisted Head Examiners in English was entrusted with responsibility to reassess the scrutiny of marks and on such exercise being carried out it was found that there was no change of marks.

In the said report it has also been specifically stated that West Bengal Board of Secondary Education Examination Regulations do not permit re-evaluation of answer script of a successful candidate. Today, if prayer of the petitioner is allowed in that event this Court has to give direction upon the Board to re-evaluate answer script which would be contrary to the statutory provisions.

Moreover, the relevant provision under the West Bengal Board of Secondary Education Examination Regulations is not under challenge. In this regard reliance is placed on the judgment of the Hon'ble Supreme Court reported in **2018 (2) SCC 357 (Ranvijay Singh & Ors. Vs. State of Uttar Pradesh & Ors.)**.

Hence, no relief can be granted to the petitioner in the present writ petition and the same stands dismissed.

There shall be, however, no order as to costs.

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

(Saugata Bhattacharyya, J.)