

S/L 18
18.09.2024
Court. No. 551
Sourav

WPA 2865 of 2013

Manas Kumar Bar
Vs.
State of West Bengal & Ors.

Mr. S. K. Bhattacharyya
Mr. Sarthak Burman

...for the petitioner.

Mr. Dr. Sutanu Kr. Patra
Ms. Supriya Dubey

For WBCSSC.

1. This Court has heard learned advocate for the writ petitioner and the learned advocate for the respondent nos. 3, 4 and 5 i.e., the West Bengal Central School Service Commission and its officials at length.
2. By filing the instant writ petition, the writ petitioner has prayed for issuance of appropriate writ against the respondents, more specifically, upon the respondent no. 3 for reassessing the answer scripts of the writ petitioner in the first phase of Teachers' Eligibility Test (TET), 2011, the written test of which was held on July 29, 2012. It is the grievance of the writ petitioner that in the said first phase of examination, there were discrepancies in the assessment of marks for which the answer scripts of the writ petitioner is required to be reassessed.
3. In course of his submission, Mr. Bhattacharyya, learned advocate for the writ petitioner draws attention of this Court to the orders dated 29.06.2022 as passed in WPA 450 of 2013 (**Md. Kamruzzaman & Ors. Vs. The State of West Bengal & Ors.**) and the order dated

10.01.2024 as passed in WPA 3690 of 2013 (**Kumari Sumana Bhattacharyya Vs. The State of West Bengal & Ors.**) as passed by two separate co-ordinate Benches of this Hon'ble Court which has been annexed at Page nos. 6 and 9 of the affidavit-in-reply as filed by the writ petitioner.

4. It is submitted by the learned advocate for the writ petitioner that the present writ petitioner is similarly circumstanced with the writ petitioners in the aforementioned two writ petitions. It is further submitted that on perusal of the aforementioned two order dated 29.06.2022 and 10.01.2024, it would reveal that pursuant to the report of an expert committee, reliefs have been granted to the writ petitioners of the aforementioned two writ petitions after reassessing the answer scripts of the said writ petitioners.
5. It is further submitted on behalf of the writ petitioner that from page no. 27 of the affidavit-in-reply being a copy of the expert report dated July 30, 2019, it would reveal that there were several anomalies in respect of the correct answers and there were opaqueness regarding awarding of marks in respect of those disputed questions and/or probable answers. It is further submitted on behalf of the writ petitioner that the instant writ petition has been filed during the lifetime of the panel in respect of the relevant examination.
6. Per contra, Dr. Patra, learned advocate of the respondent nos. 3, 4 and 5 contended that in the event,

the present writ petitioner is found to be similarly circumstanced with the writ petitioners in WPA 450 of 2013 and WPA 3690 of 2013, appropriate relief may be granted to the present writ petitioner provided the writ petitioner must satisfy that he has challenged the awarding on marks during the subsistence of the panel as prepared on the basis of the result of the said examination.

7. After careful consideration of the entire materials as placed before this Court and after hearing the learned advocates for the contending parties, it appears to this Court that pursuant to the order passed by a co-ordinate Bench, an expert committee was constituted to reevaluate the questions and answers as set for the first round of examination of TET, 2011 and it was noticed by the said expert committee that there were some anomalies in respect of some questions and probable answers since the examination is based on multiple choice basis.
8. It appears to this Court that two separate co-ordinate Benches of this Hon'ble Court in WPA 450 of 2013 and WPA 3690 of 2013 granted relief to the writ petitioners of the said two writ petitions directing the respondent no. 3 herein to reassess the answer scripts of the first phase of TET 2011 examination on the basis of the expert report and in the event, they are found to be successful in achieving qualifying marks after reassessment, the respondent no. 3 was directed to give consequential relief strictly in accordance with law and

following the procedure of the relevant selection process.

9. It appears to this Court that the present writ petitioner is also an aspiring candidate for the TET 2011 examination. He is found to be not qualified in achieving the requisite pass marks. Materials have been placed before this Court that the expert committee found anomalies in the questions and the probable answers in the said examination. This Court is of considered view that materials have placed that assessment of marks as has been done in case of the writ petitioner is not correct.
10. In considered view of this Court, the writ petitioner is equally successful to substantiate that he is similarly circumstanced with the writ petitioners of WPA 450 of 2013 and WPA 3690 and 2013.
11. In view of such, while disposing the writ petition, this Court directs the respondent no. 3/commission to reassess the answer scripts of the writ petitioner on the basis of the report of the expert committee and also on the basis of the direction as passed by this Court in WPA 450 of 2013 and WPA 3690 of 2013 provided that the writ petitioner has approached before this Court during the lifetime of the panel in respect of the first phase of TET 2011 examination since the instant writ petition has been filed on January 30, 2013.
12. The entire exercise shall have to be carried out and completed by the respondent no. 3/Commission

positively within a period of three months from the date of communication of this order.

13. It is also made clear that in the event, the instant writ petition is filed during the lifetime of the panel as mentioned supra and in the event, the writ petitioner is found to be successful in achieving the requisite qualifying marks after reassessment on the basis as discussed supra, the respondent no. 3/Commission shall not be hesitant to grant all consequential reliefs in accordance with law after following the procedure of the relevant selection process.
14. With the aforementioned observations, the instant writ petition being **WPA 2865 of 2013** is disposed of.
15. The respondent no. 3 and its officials are directed to act on the server copy of this order.
16. Urgent photostat certified copies of this order, if applied for, be supplied to the parties upon compliance with all the necessary formalities.

(Partha Sarathi Sen, J.)