

13.02.2025
Court No. 18
Item No.12
(Suvendu)

WPA 1435 of 2025

Samudra Sanyal
-Versus-

The State of West Bengal & Ors.

Mr. Sajal Kanti Bhattacharyya
.....for the petitioner

Mr. Santanu Kumar Mitra
.....for the WBCHSE

Mr. Swapan Kumar Dutta
Mr. Tapas Kumar Dey
...for the State

Affidavit of service filed on behalf of the
petitioner is taken on record.

By presenting this writ petition, petitioner
has prayed for reassessment of answer script of
English in connection with Higher Secondary
Examination, 2023 conducted by the West
Bengal Council of Higher Secondary Education
(hereinafter referred to as “Council”).

It is submitted by learned advocate
representing the petitioner that on making
application for post publication scrutiny before
the Council one mark was enhanced and total
marks in English of the petitioner was enhanced
to 93 from 92. Thereafter petitioner found that
he is entitled to receive more marks in English
which triggered the present writ petition wherein

prayer is made to issue mandamus upon the concerned authority of the Council for reassessment of answer script of English of the petitioner. However, during course of submission no statutory provision has been shown which makes the petitioner eligible to apply for reassessment of answer script neither any gross discrepancy has been demonstrated before this Court in awarding marks in favour of the petitioner in English subject in connection with Higher Secondary Examination, 2023.

Learned advocate representing the Council has opposed the prayer of the petitioner on the count of absence of statutory provisions relating to reassessment of answer script. Notice of this Court has also been drawn to the judgment of the Hon'ble Division Bench dated 23rd September, 2024 passed on an intra-court appeal being *MAT 1241 of 2024 (Shrestha Samanta Vs. State of West Bengal & Ors.)*

Having considered the respective submissions made on behalf of the parties this Court finds it apt to rely upon the judgment of the Hon'ble Supreme Court reported in 2018 (2) SCC 357 (*Ran Vijay Singh & Ors. Vs. State of Uttar Pradesh & Ors.*). In paragraph 30.2 of *Ran*

Vijay Singh & Ors. (supra) following observation has been made:

“30.2 if a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) 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 addition thereto, reliance is also placed on the ratio of *Shrestha Samanta* (supra).

In view of the law laid down by the Hon’ble Supreme Court, this court finds that the issue is no more *res judicata*.

Hence, writ petition stands dismissed.

There shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)

