

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 2473 OF 2024

**MINOR SOUNISH SINGHA, REPRESENTED BY
HIS NATURAL GUARDIAN AND FATHER
SOUMITRA SINGHA
VS.
THE STATE OF WEST BENGAL & OTHERS**

Mr. Chhandak Dutta, Adv.
...for the Petitioner

Mr. Pinaki Dhole, Adv.
Mr. Sayan Dutta, Adv.
...for the State

Ms. Koyeli Bhattacharyya, Adv.
...for the W.B.B.S.E.

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner being minor is represented by his father in this writ petition. Petitioner appeared in Madhyamik Examination, 2023 and on publication of result petitioner is not satisfied with the marks awarded to him. Petitioner applied for supply of authenticated copy of answer script of Mathematics and concerned authority of West Bengal Board of Secondary Education being the examining body supplied the same.
3. Learned advocate representing the petitioner has made an attempt to make out a case that evaluation of Mathematics answer script made by the examiner is erroneous and answers to certain questions of

Mathematics paper require awarding of more marks. Subsequently, it is submitted answer to Question No.13(ii) was not correctly assessed by the examiner.

4. However, examination rules relating to Madhyamik Examination do not contain provisions which authorize examinee, who has passed the examination to pray for re-evaluation of answer scripts. Question arises in absence of relevant rules whether an examinee is authorized to pray for re-evaluation of answer or not.
5. In order to find out answer, Court is required to rely upon the judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.)**. It was succinctly decided in paragraph 30.2 of **Ran Vijay Singh (supra)** that if statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet 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 rationalization and only in rare or exceptional cases that a material error has been committed.
6. From the case made out in this writ petition inference cannot be drawn that material error is there in

evaluating answer script which requires re-assessment.

7. In aforesaid context, no relief can be granted to the petitioner.
8. Hence, writ petition stands dismissed.
9. Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)