

13 07.03.2025
rkd Ct.18

W.P.A. 4932 of 2025

Subhayan Mondal (Minor)

-vs-

The State of West Bengal & Ors.

Ms. Papiya Chattopadhyay

....for the petitioner.

Mr. Supriyo Chattopadhyay,
Mr. Manoj Kumar Mondal

....for the State.

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta,
Ms. Keya Panja

....for the WBBSE.

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

Petitioner participated in Madhyamik
Pariksha (Secondary Examination), 2024 and after
publication of result though petitioner did well but
he is not satisfied with the marks awarded to some
answers against certain questions in Bengali and
History papers.

Petitioner prays for reassessment of
answers and it is contended since petitioner is a
good student if such reassessment is allowed there
would be enhancement of marks in Bengali and
History subjects.

The learned advocate representing the West
Bengal Board of Secondary Education has opposed
this writ petition since there is no statutory

provision permitting a successful examinee to apply for reassessment of answer scripts.

Question would have been different if statutory provision would have permitted a successful examinee to apply for reassessment of answer scripts but in the present case there is no such statutory provision. In absence of relevant provisions conferring right upon an examinee to apply for reassessment of answer scripts writ of mandamus directing the examining authority to reassess those answer scripts by appointing another examiner is not permissible.

In this regard, reliance is placed on the judgment of the Hon'ble Supreme Court, reported in *(2018) 2 SCC 357 (Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.)*. In paragraph 30.2 of the said judgment it has been succinctly decided by the Hon'ble Supreme Court that 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 rationalization" and only in rare or exceptional cases that a material error has been committed.

In the present case nothing is demonstrated before this Court that while awarding marks any material error has crept in.

Hence, no relief can be granted to the petitioner.

Accordingly, the writ petition stands dismissed.

However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)