

MAT 410 of 2025

with

IA No. CAN 1 of 2025

Samiun Islam Gazi

Vs.

The State of West Bengal & Ors.

Mr. Piyush Chaturvedi, Sr. Adv

Mr. Anindya Bose

Mr. Golam Mohiuddin

... For the Appellant/Petitioner

Mr. Pratik Dhar, Sr. Adv

Mr. Prasenjit Mukherjee

Ms. Madhurima Sarkar

... For the Masrasah Service Commission

Mr. Malay Krishna Dey

Ms. Tapati Samanta

... For the State

1. By consent of the parties the appeal and application are taken up together and disposed of by this common order.

2. The appeal is arising out of an order dated 17th March, 2025 passed by the learned Single Judge in a writ petition in which the writ petitioner/appellant has raised grievance with regard to the incorrect marking to question nos. 30 and 67 under 'A' series question. It was the grievance of the writ petitioner that although he had given the correct answer to the said questions and it conforms to the provisional answer key as published by the authority concerned ultimately he was not awarded any marks for the said two

questions on the purported ground that those answers are incorrect. A prayer was made before the learned Single Judge for appointment of a subject expert to verify the correctness of the report submitted before the Commission.

3. Mr. Piyush Chaturvedi, learned senior counsel appearing for the appellant, has submitted that the correct answer to question nos. 30 and 67 (question booklet A) are the exact answer in provisional answer key and accordingly the appellant could not have been denied marks in respect of the said two questions.

4. Mr. Chaturvedi has referred to authorities on the subject to show that the said phrase has always been considered as a Noun Clause and after having received views from the candidates, who have participated in the examination with regard to correctness of the provisional answer keys, an expert was appointed and on the basis of the expert's opinion the answer keys have been modified. However, the report that was submitted to the Court has not been shared with the petitioner. In any event, the authorities on the subject have been clearly indicated that the said phrase shall be considered to be a Noun Clause so that the writ petitioner was able to make out a

a case for appointment of a domain expert in order to decide the said issue. Mr. Chaturvedi has relied upon ***WPCT 21 of 2021 (Progyadyuti Dutta Vs. Union of India & Ors.)*** decided on ***16th August, 2021*** and ***MAT 917 of 2024 (W.B Board of Primary Education & Ors. vs. Mousona Mitra & Ors.) with MAT 1008 of 2024 (W.B Board of Primary Education & Ors. vs. Yesmina Khatun & Ors.) with MAT 1060 of 2024 (Parthajit Banik & Ors. vs. Mousona Mitra & Ors.)*** decided on ***23rd August, 2024*** and has submitted that in the said decisions coordinate benches have observed that re-evaluation of answer script is possible although the Rule is silent with regard to re-evaluation of answer script. However, the Court in exercise of its extra ordinary power under Article 226 of the Constitution can direct re-evaluation of answer scripts in appropriate cases.

5. Mr. Pratik Dhar, learned senior counsel appearing on behalf of the Madrasah Service Commission, has submitted that provisional answer keys were duly published after inviting objections of the candidates under the Rules who have participated in the examination and after receiving their objections a domain expert was appointed and the final answer keys based on the opinion of the expert was also duly published in

the website portal of the Madrasah Commission. The expert's report was also produced before us by Mr. Dhar for our consideration. Mr. Dhar has referred to the decision in the case of ***Vikesh Kumar Gupta & Anr. Vs. State of Rajasthan & Ors.***, reported in ***(2021)2 SCC 309*** and ***Ran Vijay Singh & Ors. Vs. State of Uttar Pradesh & Ors.***, reported in ***(2018)2 SCC 357*** and has submitted that there is a limited scope of judicial review with regard to correctness of final answer keys uploaded in such public competitive examination. Mr. Dhar has referred to paragraphs ***15, 16 and 17*** of ***Vikesh Kumar Gupta (supra)*** and submits that the Hon'ble Supreme Court has categorically stated that the entire examination process does not get vitiated only because some candidates have disappointed or dissatisfied or perceived some injustice having been caused to them by an erroneous question or by an erroneous answer. All candidates suffered equally, those who suffered more cannot be helped since mechanical decision is not always possible.

6. The decision of the Hon'ble Supreme Court in ***Ran Vijay Singh (supra)*** was relied upon to show that if statute, Rule or Regulation governing an examination does not permit re-evaluation or

scrutiny, in such situation, 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. It is thus submitted that there is no manifest error in the process adopted by the Commission in evaluation of the answer-scripts and accordingly, no interference is called for with the judgment under appeal. The dispute arose with regard to answer of two questions, namely, question nos. 30 and 67. The provisional answer keys undoubtedly support the case of the writ petitioner. However, in public examination in order to bring transparency objections are invited from the candidates after the examination is over by publishing the provisional answer keys so that the candidates may respond to their views or objections, if any, with regard to provisional answer keys as the permit itself suggests as provisional and not final. It is only after receiving views, comments or objections from the candidates who have participated in the examination final evaluation was made with the help of domain expert. In the instant case, after receiving views or objections from the candidates a domain expert was appointed. The expert had

given its views. Based on such views the provisional answer keys were prepared. The argument of Mr. Chaturvedi is that the Noun Clause would be the correct answer is not the view of the domain expert. It does not appear from the reasoning of the domain expert that it is not the view that can be arrived at having regard to the nature of the question which emphasized a portion to be taken into consideration by the candidates in answering the question. It falls within paragraph 30.2 of **Ran Vijay Singh (supra)** as, in our view, it cannot be demonstrated very clearly without any inferential process of reasoning or by a process of rationalization for correctness of the answer. The issue would have been different if it is manifestly and patently erroneous. An expert can also commit a mistake. We have considered this aspect of the matter by one of us (Soumen Sen, J.) in **Progyadyuti Dutta (supra)**. Since the view expressed by the expert does not appear to be a manifest error on the face of the record, we are not inclined to interfere with the order passed by the learned Single Judge.

7. On such consideration, the appeal being MAT 410 of 2025 stands dismissed along with CAN 1 of 2025.

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

(Soumen Sen, J.)

(Smita Das De, J.)