

09.09.2025
Item No.02
Court No.11
Avijit Mitra

**FMA 848 of 2025
with
IA No.CAN 1 of 2025**

**Dishani Hajra (minor)
- Versus -
State of West Bengal & ors.**

Mr. Ashis Kumar Chowdhury,
Mr. Rohan Paul,
Mr. Avisek Chatterjee,
Mr. Sudip Jana
....for the appellant
Mr. Sirsanya Bandyopadhyay,
Sr. Standing Counsel
Mr. Debapriyo Karan
...for the State
Ms. Koyeli Bhattacharya
....for the W.B.B.S.E.

The present appeal has been preferred challenging an order dated 8th April, 2025 passed in a writ petition being WPA 26503 of 2023 which was preferred by the appellant praying for issuance of necessary direction upon the respondents *‘to re-assess the marks in respect of Question no.1.11, 1.20 and question No.2 in History, 4.5/OR in Life Science and 5B(iii) in English and to award the correct marks in favour of the petitioner’*. In view of the allegations made in the writ petition, the learned single Judge called for a report in the form of an affidavit from the West Bengal Board of Secondary Education

(hereinafter referred to as the Board). Pursuant thereto, such report was filed on 3rd April, 2025. Thereafter, upon contested hearing, the learned Judge negated the appellant's plea that the answer given by her to question no.1.11 was proper as she had followed the relevant text book. The learned Judge further observed that the option against question no.1.11, as indicated by the appellant in her answer script, was not in consonance with the key answer, which was finalised in a meeting of all the Head Examiners on 5th March, 2023 based on opinion of subject experts and ultimately, the writ petition was dismissed.

Mr. Chowdhury, learned advocate appearing for the appellant has restricted his argument only pertaining to the answer given by the appellant to question no.1.20. According to him, the answer given by the appellant to question no.1.20 in the subject History, was interpolated. The appellant correctly marked the answer to be '(१) 1956' but the same was altered by an unknown person to be '(१) 1955'. Considering such submission, a Coordinate Bench of this Court by an order dated 7th July, 2025 directed the Board to file a report as to whether answer in 1.20 should be '१'.

Pursuant to such direction, Ms. Bhattacharya, learned advocate appearing for the Board, has placed before us a report in the form of an affidavit filed by the Secretary of the Board. The appellant has also been allowed to use an exception to the same.

Thereafter, by an order dated 12th August, 2025, this Court directed the Board to produce the original answer script of the appellant in the subject History for the examination held in the year 2023. Pursuant to such direction, Ms. Bhattacharya has placed before us the original answer script for the subject History.

Drawing our attention to the said original answer script, Ms. Bhattacharya submits that initially marks given by the Examiner was checked by the Head Examiner. The Examiner marked the answer with pink ink whereas the Head Examiner has marked the answer with the green ink.

It appears from the said answer script that in respect of the question no.1.4, initially, the appellant was marked '0' by the Examiner but thereafter as the answer given was found to be correct, the Head Examiner granted one mark for the said answer. Similarly, in case of question no.1.20, it was found that the appellant had written the answer as '१ 1955'. Initially, it appears that the Examiner gave one mark

but the Head Examiner found that the correct option was the year '1956' and not the year '1955' and, accordingly, one mark granted to the appellant was cancelled.

Upon perusal of the original answer script, particularly, the answer given by the appellant to question no.1.20, we do not find that there had been any interpolation and the answer initially given by the appellant was not altered.

In view thereof, no interference is called for in the present appeal and the same along with the connected application is dismissed.

The original answer script, as produced, has been returned to Ms. Bhattacharya.

Urgent photostat certified copy of this order, if applied for, be given to the learned advocates for the parties.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)