

**MAT 751 of 2025**  
**with**  
**IA No. CAN 1 of 2025**  
**and**  
**IA No. CAN 2 of 2025**

(Rimita Mukherjee Vs. The State of West Bengal & Ors.)

**Mr. K. C. Das**

**..... For the appellant**

**Ms. Koyeli Bhattacharyya**

**Mr. Bibek Dutta**

**..... For the Board**

**Mr. Vivekananda Bose**

**Ms. Parna Roy Chowdhury**

**..... For the State**

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging an order dated 18<sup>th</sup> February, 2025 passed by the learned Judge in a writ petition being WPA 2088 of 2025 which was preferred by the writ petitioner/appellant herein, *inter alia*, praying for issuance of necessary direction upon the respondents to consider her prayer for ‘*un-evaluted/wrong caging of answers of your petitioner in the subject of Life Science and Physical Science dated August 23, 2024*’.

Upon perusal of the records, we are satisfied with the explanation given towards the delay in preferring the appeal and accordingly, such delay is condoned and the application being IA No. CAN 2 of 2025 is disposed of.

Mr. Das, learned advocate appearing for the appellant submits that the appellant participated in the

Madhyamik Pariksha (Secondary Education), 2024 (hereinafter referred to as the said examination) and she passed with an overall Grade-A. The answers given by the appellant to the respective questions in the papers of Life Science and Physical Science pertaining to the said examination were not properly re-evaluated/reassessed. Ventilating such grievance, the appellant submitted a representation to the competent authority on 23<sup>rd</sup> August, 2024, but the same was not considered.

He further submits that in the subject of Physical Science the answers given by the appellant to question nos. 4.2OR, 4.4, 4.6 and 4.9 2nd Part were not properly evaluated though the answers given by the appellant were as per the guidelines of the West Bengal Board of Secondary Education (hereinafter referred to as the Board). Had her answers been properly evaluated, she would have got 6 more marks in Physical Science. Such argument, as urged, was glossed over by the learned single Judge and no finding was returned on the same.

He further submits that during pendency of the writ petition, the Board granted 2 more marks to the appellant in the Life Science paper.

Ms. Bhattacharyya, learned advocate appearing for the Board submits that the appellant's application for post publication scrutiny was duly considered and in the History paper, her marks were enhanced. However, there is no provision towards any re-evaluation of the papers.

In view thereof, the learned single Judge refused to exercise discretion in favour of the appellant and there is no infirmity in the same.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It is well settled that Court shall not sit in appeal over the assessment made by the examiner. There is also no provision towards re-evaluation of the answer-script. No material could be placed on behalf of the appellant in support her claim for re-evaluation. In the said conspectus, the learned Judge refused to exercise discretion in favour of the appellant and we do not find any infirmity in the said order.

Accordingly, no interference is called for in present appeal and the same along with the connected application for stay is dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

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