

IN THE HIGH COURT AT CALCUTTA
(Constitutional Writ Jurisdiction)
APPELLATE SIDE

Present:

The Hon'ble Justice Krishna Rao

WPA No. 18433 of 2025

Chandan Barman

Versus

The Bar Council of India & Ors.

Mr. Piyush Chaturvedi, Sr. Adv.

Mr. Ayan Banerjee

Mr. Subhojit Das

Ms. Debapriya Ghosh

.....For the petitioner.

Mr. Avinash Kankani

.....For the respondent nos. 1 to 3.

Hearing Concluded On : 25.11.2025

Judgment on : 01.12.2025

Krishna Rao, J.:

1. The petitioner has filed the present writ application praying for a direction upon the respondents to award full marks for seven (7)

questions, which were subsequently found erroneous, and add such marks to the petitioner's total score thereby enabling the petitioner to qualify the All India Bar Examination XIX, 2024.

2. The petitioner has appeared for the All India Bar Examination on 22nd December, 2024. On 6th March, 2025, the Bar Council of India published the answer key of the examination on the Official Website. On publication of the result, it was found that seven (7) questions were struck down/ withdrawn by the respondents on account of the same being erroneous and accordingly, the full marks of the examination has been reduced from 100 marks to 93 marks and the qualifying percentage was fixed as 42% instead of 45%.
3. The petitioner has acquired 41 marks in the said examination and the petitioner opted for scrutiny of his answer sheet. Even after the scrutiny, the marks obtained by the petitioner were not been revised.
4. Mr. Piyush Chaturvedi, Learned Senior Advocate representing the petitioner submits that on withdrawal of seven (7) numbers of questions by the respondents by admitting that those were erroneous but no advantages were given to the candidates who attempted the questions by which the candidates have been deprived from getting any advantage for attempting the said questions.
5. Mr. Chaturvedi has relied upon the judgment in the case of **Anil Kumar & Ors. vs. State of Uttar Pradesh & Ors.** reported in **(2019) 17 SCC 725** and submits that in the said case the Hon'ble Supreme

Court directed the authorities that the person who has approached the Writ Court and the candidates who had not approached the Writ Court and if they have attempted and answered the 18 questions, which were wrongly set out, they will be awarded full marks for the said 18 questions.

6. Mr. Chaturvedi submits that in the present case also the petitioner had attempted the said questions but the authorities have not awarded the marks for the said questions.
7. *Per contra*, Mr. Avinash Kankani, Learned Advocate representing the respondent nos. 1 to 3 submits that when the respondents noticed that seven (7) questions were erroneously set out, immediately the respondents have taken decision that the said seven (7) questions will not be taken into consideration and the total marks of the paper will be reduced to 93 marks from 100 marks and the total pass percentage of 45% will be reduced to 42%.
8. Mr. Kankani submits that the said benefit is being provided to all the candidates who had appeared in the All India Bar Examination XIX. He further submits that after reducing the total marks of the paper as well as the total percentage of the mark, the petitioner only obtained 41%, thus the petitioner is declared unsuccessful.
9. Mr. Kankani submits that similar issue was raised before the Hon'ble Supreme Court by filing a writ petition under Article 32 of the Constitution of India being **Writ Petition (Civil) No. 334 of 2024**

(Ranjeet Singh & Anr. vs. Bar Council of India), the Hon'ble Supreme Court has dismissed the said application in limine on 9th July, 2024.

10. Mr. Kankani has further relied upon a **Neutral Citation No. 2025:MPHC-JBP:27273** in the case of **Shrankhala vs. Bar Council of India & Ors.** dated **24th June, 2025** and submits that in the said writ petition also the similar question was raised that seven (7) questions out of 100 were deleted by the Bar Council of India and the result was declared based on 93 questions by fixing the pass mark as 42%. The Division Bench of the Madhya Pradesh High Court at Jabalpur has dismissed the writ application. He further submits that the judgment relied by the petitioner in the case of **Anil Kumar & Ors. (supra)** in the said case there was a choice question to be attempted but in the present case, there is no choice question, all the candidates have to attempt all the questions and thus the said judgment is not applicable in the present case.

11. Heard the Learned Counsel for the parties, perused the materials on record and the judgments relied upon by the parties. Admittedly, seven (7) questions were withdrawn by the authorities on the account that the same were erroneous. After withdrawing the seven (7) questions, the 100 marks had been reduced to 93 marks and the pass percentage has been reduced from 45% to 42%. The petitioner has first taken the chance for scrutiny of his answer sheet but inspite of the scrutiny his marks were not revised.

- 12.** Now, the petitioner has filed the present application praying for giving advantage to the candidates who have attempted the questions which were withdrawn. This Court finds that the candidates have to attempt all the questions i.e. 100 questions. Taking into consideration of the same, the authorities after withdrawal of seven (7) questions, total marks of the paper was reduced to 93 from 100 and total pass percentage was reduced from 45% to 42%. The petitioner has obtained only 41%, after reducing the total marks of the paper and pass percentage.
- 13.** Considering the above, this Court finds that there is no illegality committed by the respondents by withdrawing the seven (7) questions which were found erroneous and reduced total marks from 100 to 93 and pass percentage from 45% to 42%.
- 14. WPA No. 18433 of 2025 is dismissed.** No order as to costs.

Parties shall be entitled to act on the basis of a server copy of the Judgment and Order placed on the official website of the Court.

Urgent Xerox certified photocopies of this judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

(Krishna Rao, J.)