

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 25898 of 2025

Sumita Bagchi & Anr.

v.

The State of West Bengal & Ors.

Mr. Shuvro Prokash Lahiri

Mr. Rajesh Naskar

Mr. Ankan Mondal

... For the petitioners

Mr. Saibal Acharyya

... For the State

Mr. Sirsanya Bandyopadhyay, Sr. SC

Mr. Sandip Das Gupta

Ms. Mahima Chobera

Mr. Niket Ojha

... For the respondent no.2

Mr. Kalyan Bandopadhyay, Sr. Advocate (VC)

Mr. Biswaroop Bhattacharya

Mr. Arka Kumar Nag

Mr. Rahul Kumar Singh

... For the WBCSSC

1. The petitioners participated in the 2nd State Level Selection Test (AT), 2025. They are aggrieved by the manner in which the objections raised by them after publication of the preliminary model answer key have been dealt with.

2. Two of the questions answered by the petitioners tallied with the answer provided in the preliminary model answer key but the said answers got changed at the time of publication of the final answer key.

3. The petitioners rely upon study materials in support of the submission that the answers that they have marked in the QMR sheet are proper.

4. Learned advocate representing the petitioners draws attention of the Court to the final answer key where there are questions having more than one answer and there are questions where marks have been given to all and marks given on attempt.

5. It has been submitted that providing marks to candidates who did not even attempt the question is highly illegal as the same diminishes the competitive edge of the candidates.

6. According to the petitioners, the Commission ought to have acted in accordance with the Rule 11(vi) of the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper Primary Level of Classes [except Work Education and Physical Education], Classes IX-X and Classes XI-XII) Rules, 2025 wherein it has been mentioned that the expert committee shall deal with the suggestions/objections, if any, received from any applicants.

7. The petitioners contend that the objections raised by them were not dealt with by the expert committee at all. Had their objections been dealt with by the expert committee, the same would have been reflected in the report filed by the West Bengal School Service Commission.

8. Prayer has been made to provide two marks to those questions which were found to be proper at the preliminary stage but later got changed during the publication of the final answer key.

9. The Commission opposes the submission and prayer of the petitioners. It has been submitted that all the suggestions/objections which were raised were duly considered and the expert committee made changes in respect of ten questions. Rest of the questions which were referred remained unchanged.

10. It has been argued that as per the Rules mentioned hereinabove, the decision of the expert committee shall be accepted by the Central Commission and the same is binding upon all, including all applicants. It has been argued that the Court, not being an expert body, ought not to interfere with the answers provided by the expert committee.

11. Prayer has been made by the Commission not to interfere with the instant writ petition.

12. I have heard the submissions made on behalf of both the parties and have considered the materials placed before the Court.

13. From the final answer key it appears that out of the 60 questions in the OMR, there are as many as five questions which have two correct answers. It is seen that 'marks on attempt' were given in respect of two questions and 'marks to all' were given in respect of two other questions. The expert committee engaged by

the Commission differed with as many as ten answers published in the preliminary model answer key.

14. When a competitive examination is being held with lakhs of examinees, the authority ought to have ensured that the questions are framed in such a manner that the scope of objection remains minimal. The report of the Commission suggests that as many as 1923 objections were raised in respect of one question, 1402 objections in respect of other and several objections raised in respect of couple of other questions.

15. When the deciding factor in qualifying for the preliminary list is one mark or even less, the authorities should have taken care to prepare the question paper in such a manner that the same remains error free to the extent possible.

16. True it is that the Court, not being an expert, usually does not enter into the domain of the correctness of the questions or the answers provided by the experts. The Rules clearly lay down that the decision of the expert committee shall be accepted by the Commission and the same shall be binding upon all the applicants.

17. It appears that the Commission has checked the OMRs of the examinees in a standardized manner and there is nothing on record to suggest that the petitioners were discriminated from the others.

18. The petitioners while appearing in the examination were aware of the manner in which the

OMR sheets of the examinees would be corrected. The petitioners were aware of the provision of the expert committee in dealing with the suggestions/ objections. The petitioners were also aware that the decision of the expert committee shall be binding upon them.

19. In such a situation, the Court is not inclined to exercise jurisdiction in the matter as the same may have a rippling effect on the other examinees also. Any interference in the mode and manner of assessing the OMR may prejudice other candidates.

20. The writ petition fails and is, accordingly, dismissed.

21. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

22. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)