

4th Dec., 2025

Item no.D/L 04
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 27094 of 2025**

In the matter of :
Juhita Jana & Ors. *.... Petitioners*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioners:
Mr. Sudipta Dasgupta
Ms. Sagarika Goswami
Mr. Saikat Sutradhar *....Advocates*

For the State:
Ms. Sipra Majumdar
Ms. M. Ghosh Dastidar *....Advocates*

For the WBCSSC:
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharjee
Ms. Pramiti Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh *....Advocates*

1. Affidavit of service filed in Court today is taken on record.
2. Receipt showing submission of deficit Court fees filed in Court today be retained with the records.
3. The petitioners participated in the recruitment process for appointment of assistant teachers in 2nd SLST-2025 for Classes- ‘XI’ & ‘XII’.
4. In respect of one of the questions in the written test, the preliminary model answer key which was published by the Commission tallied

with the answer given by the petitioners. There was no reason for the petitioners to raise any objection at that stage.

5. At the time of publication of the final answer key, the answer was changed. Two answers in one question were found to be correct but the answer given by the petitioners was found to be incorrect.
6. The petitioners are aggrieved by the same.
7. It has been submitted that as the preliminary model answer key and the answer given by the petitioners matched, it has to be taken that the answer given by the petitioners is also correct.
8. The petitioners rely upon study materials in support of the submission that the answer which was initially published in the preliminary model answer key is also a correct answer.
9. Prayer has been made to treat the answer given by the petitioners as correct.
10. According to the Commission, several objections were received in respect of the answer to the subject question and the same were forwarded to the expert committee who opined that two other answers were correct. The expert committee differed with the opinion of the examiner with regard to the correctness of the answer of the said question.
11. Learned counsel representing the Commission submits that, the preliminary model answer key which was published by the Commission was prepared by the Assistant Professor of a recognized College and/or University.
12. As the answer of the examiner being the Assistant Professor was found to be incorrect by the expert committee, a doubt rises in the

mind of the Court with regard to the competence of the Assistant Professor engaged by the Commission to act as the examiner. It seems like the Commission was unable to engage a proper examiner to answer the questions.

13. Learned advocate for the petitioners relies upon certain study materials annexed to the writ petition in support of the submission that the answer of the examiner Assistant Professor is also correct.
14. It is an admitted fact that the Court is not an expert body and the Court cannot substitute its opinion in place of the expert. Only option that is left to the Court is to refer the matter to the Commission once again to revisit the issue as to whether the answer given by the examiner Assistant Professor is proper or not.
15. If the answer given by the Assistant Professor is found to be correct, then the answer given by the petitioners shall be treated as correct.
16. A decision shall be taken by the Commission at the earliest by taking into consideration the study materials which are annexed to the writ petition.
17. The petitioners submit that the process of credential verification is going on, accordingly, as an interim measure, the Commission is directed to permit the petitioner nos. 1, 2 & 4 to participate in the credential verification process subject to the final decision of the Commission as regards the marks in the disputed question.
18. The writ petition stands disposed of.
19. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.

20. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)