

W.P.A. 26503 OF 2023

**Dishani Hajra (Minor), represented by her
Father being natural Guardian, namely,
Tapas Kumar Hajra
Vs.
The State of West Bengal & Ors.**

Mr. S.S. Mondal, Adv.
Sk. Imtiaz Uddin, Adv.

...for the Petitioner

Ms. Koyeli Bhattacharyya, Adv.
Mr. Bibek Dutta, Adv.
Ms. Keya Panja, Adv.

...for W.B.B.S.E

Today matter is heard in presence of learned advocates representing the petitioner and West Bengal Board of Secondary Education.

Report in the form of affidavit which was filed on 3rd April, 2025 in terms of the order dated 10th March, 2025 is considered wherein it has been stated that Madhyamik Examination, 2023 was conducted by the West Bengal Board of Secondary Education (for short, '*Board*') and a meeting of five subject experts was held on 2nd March, 2023 for identifying correct answers to the questions of History paper. Thereafter, expert opinion was placed before all the Head Examiners for discussion and a meeting was conducted by the Head Examiners on 5th April, 2023 where 152 Head Examiners were present. Therefore, the basis of identifying correct answer to question no.1.11 under বিভাগ - ক is the opinion obtained from five subject experts and the decision taken in the meeting of all the Head Examiners on 5th March, 2023.

In addition thereto instruction in the form of key answer which was disseminated to all the Head Examiners as per expert opinion is also placed before this Court for consideration.

On perusal of such key answer, it appears that option (घ) was found to be the correct answer to question no.1.11 of History paper.

It is submitted on behalf of the petitioner that the basis of identifying the correct answer to question no.1.11 is not clear since petitioner has followed a particular text book and the answer written by the petitioner to question no.1.11 is the correct answer in terms of that text book.

It is not a case for not awarding marks to a particular answer to a question of History paper neither a case is made out that any material error is crept in while awarding marks by the examiner at the time of evaluating History answer script of the petitioner.

A dispute has been raised on behalf of the petitioner that against a multiple choice question (MCQ) numbered as 1.11, petitioner has indicated right option but she was not awarded marks. On the contrary by filing a report it has been demonstrated before this Court that option against question no.1.11

as indicated by the petitioner in her answer script is not in consonance with the key answer which was finalized in the meeting of all the Head Examiners on 5th March, 2023 based on opinion of subject experts.

But on perusal of key answer as produced before this Court, it appears that petitioner has not indicated correct option against question no.1.11 under বিভাগ - ক in the History answer script.

Reliance is placed on a Judgment of Hon'ble Supreme Court reported in **(2021) 2 SCC 309 (Vikesh Kumar Gupta & Anr. vs. State of Rajasthan & Ors.)**. In paragraph 16 of **Vikesh Kumar Gupta (supra)**, it has been succinctly held by the Hon'ble Supreme Court that it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the expert committee. In this regard reliance was also placed on a Judgment of the Hon'ble Supreme Court in **Richal vs. Rajasthan Public Service Commission**, reported in **(2018) 8 SCC 81**. It was also further observed in paragraph 16 that in **Richal (supra)** Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, it was observed that the ratio of **Richal**

(*supra*) was not relevant for adjudication of the dispute which was considered in **Vikesh Kumar Gupta** (*supra*).

In addition thereto reliance is also placed on the Judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.)**. In paragraph 30.2 of **Ran Vijay Singh** (*supra*), it has been observed by the Hon'ble Supreme Court that if statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalization and only in rare or exceptional cases that a material error has been committed.

In the present case, no case is made out on behalf of the petitioner in order to substantiate that material error is crept in while awarding marks to answer against question no.1.11 in History paper and no ambiguity is found in the opinion of the subject expert, which is disclosed by filing report as well as key answer.

In view of aforesaid discussions, no relief can be granted to the petitioner.

Hence, writ petition stands dismissed.

Original answer key is returned to the learned advocates representing the Board.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)