

31 **30.03.
2026**

Ct. No. 24

Ab

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE.**

WPA 992 of 2026

**Sudip Mistri and another
Vs.
The State of West Bengal and others.**

**Mr. Sudipta Dasgupta,
Mr. Saikat Sutradhar,
Mr. Arindam Shit.**

... for the petitioners.

**Mr. Kalyan Bandopadhyay,
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh.**

... for the WBCSSC.

1. The affidavit of service and photocopy of the OMR answer sheet, as produced before this Court, be kept on record.
2. The instant writ petition has been filed by the petitioners alleging that their marks have not been properly allotted despite rightly answering the questions.
3. Mr. Bandopadhyay, learned Senior Advocate appearing for the West Bengal Central School Service Commission, has produced the photocopy of the original OMR answer sheet to show that some answers were incorrectly shaded. He submits that the computer has failed to read such answers correctly.

4. Mr. Dasgupta, learned Advocate appearing for the petitioners, submits that the OMR sheet should be evaluated manually.
5. Mr. Singh, learned Advocate assisting Mr. Bandopadhyay, appearing for the Commission has produced a photocopy of the OMR answer sheets. The petitioner no. 1 has shaded option 'D' in a half hearted manner and claims predicament.
6. Mr. Bhattacharya discloses the original answer sheet, wherefrom it appears that option 'C' was shaded and not 'D'. The petitioner no. 2, on the other hand, appears to have shaded both option 'C' and 'D' in the OMR Sheet disclosed in the petition. However, Mr. Bhattacharya has produced the original wherefrom it appears that he has shaded both option 'C' and 'D'. It is rather strange that the photocopy annexed to the writ petition is different from the original, which has been produced in Court by Mr. Bhattacharya and copies thereof have been kept on record. This discrepancy between the copy in the writ petition and the copy disclosed by the Commission, I am told emanates from the fact that the writ petition carries a carbon copy of the OMR sheet and not the photocopy. There is a shift in alignment in such carbon copies, leading the petitioners to believe that they have marked their answer scripts with the correct option and have

been deprived of the legitimate marking. However, the petitioners are themselves aware of what answers they have shaded and are merely taking a chance by way of the present litigation.

7. Even though Mr. Dasgupta has made a prayer for production of the original OMR answer sheet in view of the clear picture, which is quite visible from the photostat copy, as produced by the Commission. I do not find any requirement for production of the original OMR answer sheet.
8. The correct method of shading is clearly mentioned as the top of the OMR sheet. Only one circle, out of the four circles, is required to be shaded. The other circles cannot have even a dot on them. The moment there is any mark in any of the other circles, the computer fails to read such answer as correct.
9. The prayer of the petitioners for checking up the answer sheet manually cannot be accepted. The answer scripts of all other candidates have been assessed by the computer. There is no reason as to why there shall be a departure in the mode of checking of the answer sheet of the petitioners.
10. There is no insinuation or allegation that the marking system is arbitrary. The marks are ascertained in a computerized method and are not being challenged in the present writ petition.

11. The Court does not find any error on the part of the Commission.
12. The writ petition, thus, fails and is hereby dismissed.
13. There shall, however, be no order as to costs.
14. All parties are to act on the server copy of this order, duly downloaded from the official website of this Court.
15. Urgent Photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)