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19.02.2026
Ct No.11
rrc

MAT 124 of 2026
with
IA No. CAN 1 of 2026
and
IA No. CAN 2 of 2026
(Bandana Panja & Ors. Vs. The State of
West Bengal & Ors.)

Mr. Sudipta Dasgupta
Mr. Sutirtha Nayaek

... For the appellants

Mr. Sirsanya Bandopadhyay
Mr. Sekhar Mustaphi
Ms. Deboleena Ghosh

..... For the State respondents

Mr. Biswaroop Bhattacharya
Ms. Pramiti Bandopadhyay
Mr. Rahil Kumar Singh

..... For the W.B.C.S.S.C.

Re: IA No. CAN 1 of 2026

This is an application seeking condonation of a delay of 11 days in preferring the appeal.

Having heard the learned advocates appearing for the respective parties and upon perusal of the averments explaining the delay, we are satisfied that sufficient cause has been shown which prevented the appellants from preferring the appeal within the period of limitation prescribed therefor.

In view of the above, the delay is condoned and the application being CAN 1 of 2026 is allowed.

Re: MAT 124 of 2026
with
IA No. CAN 2 of 2026

This intra-court appeal has been preferred to assail the order dated 11th December, 2025, passed by the learned Single Judge in WPA No. 26008 of 2005. By the said order, the writ petition was dismissed.

Briefly stated, the facts relevant for the proper adjudication of the present appeal are that the petitioners/appellants (hereinafter referred to as “the appellants”) participated in the recruitment process, namely, the 2nd State Level Selection Test, 2025 (hereinafter “SLST”) for appointment to the post of Assistant Teacher in secondary schools, conducted by the West Bengal Central School Service Commission (hereinafter referred to as “the Commission”).

However, the OMR answer sheets of the appellants were not assessed by the Commission on the ground that they had failed to shade the appropriate box in the OMR answer sheet indicating the “Booklet Series”. Subsequently, they came to learn that the OMR answer sheets of certain candidates, who had omitted to shade the subject code, were nevertheless assessed.

The specific grievance of the appellants is that this fact was brought to the notice of the learned Single Judge; however, the learned Single Judge refused to accept their contention and declined to direct the Commission to evaluate their OMR answer sheets by the order impugned in this appeal. Hence, the present appeal.

At the outset, Mr. Dasgupta, learned advocate appearing for the appellants, submits that the case of the appellants deserves sympathetic consideration. He further submits that the appellants are all untainted in-service candidates and, having crossed the upper age limit for competitive examinations, this is their last hope of securing their livelihood.

Coming to the merits of the case, he refers to page no. 65 of the application being CAN 2 of 2026, filed in connection with the present appeal, to demonstrate that the OMR answer sheet of a candidate, who had omitted to shade the appropriate box pertaining to the subject code, was nevertheless assessed by the Commission.

He submits that, in view of the aforesaid circumstances, the Commission may be directed to condone such omission, assess the appellants' OMR answer sheets, and award marks accordingly, so that their candidature for the post may be duly considered.

Mr. Bhattacharya, learned advocate appearing for the Commission, vehemently opposes the contentions advanced by Mr. Dasgupta. He submits that in cases where a candidate fails to shade the subject code, the same can be ascertained from the data available with the Commission. However, in the event of omission to shade the booklet series, the OMR answer sheet cannot be assessed. He further submits that even the machine would not be able to evaluate such an OMR answer sheet.

He informs the Court that out of five lakh candidates who submitted their applications for the post, only 45 candidates

committed such mistakes. He further submits that the Commission did not accede to the prayer for assessment of the OMR answer sheets of those 45 candidates.

He also submits that the results of the assessment of all OMR sheets have already been published. If any direction is now given for assessment of the OMR sheets of the present appellants, the same would unsettle the settled position. Furthermore, such a direction may result in the deprivation of another meritorious candidate, despite there being no fault on his part.

Heard the learned advocates appearing for the respective parties. Perused the materials on record

In Clause No. 5 of the OMR sheet, the following instruction was given in unambiguous terms:

“Items in serial no. 1 to serial no. 5 in the OMR Answer Sheet should be properly filled and shaded in the appropriate boxes and circles. Otherwise, the OMR sheet cannot be evaluated/shall be treated as cancelled.”

Therefore, a candidate appearing in the recruitment process was required to shade the appropriate boxes, including the booklet series.

If a candidate, despite being specifically instructed to perform a particular act, fails or omits to do so, such candidate cannot claim any right to compel the Commission to assess such OMR answer sheet after the results have been published upon completion of the evaluation of the OMR answer sheets of all candidates. Moreover, it is well settled that no person can claim negative equality.

Taking note of these aspects, we are of the view that the learned Single Judge, upon considering the relevant facts, arrived at a specific finding and declined to accept the contentions of the appellants. We do not find any infirmity in the said decision. Accordingly, we find no justification to interfere with the impugned order in the present appeal.

Therefore, the appeal and its connected application are dismissed.

There shall, however, be no order as to costs.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)