

15.01.2024
(D/L 1-4)
Ct.-18
(Susanta)

W.P.A. 5916 of 2022

Mst Reshma Khatun

-Vs-

The State of West Bengal & Ors.

With

W.P.A. 6274 of 2022

Md. Wasefuzzaman & Anr.

-Vs-

The State of West Bengal & Ors.

With

W.P.A. 7268 of 2022

Ashis Bera & Ors.

-Vs-

The State of West Bengal & Ors.

With

W.P.A. 7965 of 2022

Mursida Khatun

-Vs-

The State of West Bengal & Ors.

Mr. Pratip Mukherjee,
Mr. Ali Ahsan Alamgir,
Ms. Rabia Khatoon,
Ms. Soma Mal,
Mr. Juel Rana,
.... For the Petitioner in W.P.A. 5916 of 2022,
W.P.A. 6274 of 2022 & W.P.A. 7965 of 2022.

Mr. Rabiul Islam,
Mr. Ali Ahsan Alamgir,
Ms. Soma Mal,
Ms. Rabia Khatoon,
Mr. Juel Rana,
.... For the Petitioner in W.P.A. 7268 of 2022.

Mr. Tapas Kumar Mandal,
.... For the State in W.P.A. 5916 of 2022.

Mr. Bhaskar Prasad Vaisya, Ld. AGP.
Mr. Sagnik Chatterjee,
Mr. Suman Dey,
.... For the State in W.P.A. 7268 of 2022.

Dr. Sutanu Kumar Patra,
Ms. Supriya Dubey,
.... For the S.S.C in W.P.A. 5916 of 2022,
W.P.A. 6274 of 2022 & W.P.A. 7965 of 2022.

Mr. Prasenjit Mukherjee,
Ms. Madhurima Sarkar,
....For the Madrasah Service Commission
in all the writ petitions.

Mr. Sourav Mitra,
.... For the Central School Service Commission.

Mr. Pappu Adhikari,
Ms. Roma Roy,
... For the Respondent no. 13
in W.P.A. 7268 of 2022.

All these matters, for the commonality of the issue raised therein, are taken up together for analogous consideration.

All the petitioners participated in the 6th SLST conducted by the West Bengal Madrasah Service Commission (the 'Commission' in short) for recruitment in the post of Assistant Teacher subject 'Work Education' but were not selected.

The common grievance of the petitioners is that due to tampering, their OMR answer sheets were not properly evaluated.

Mr. Prasenjit Mukherjee, learned advocate for the Commission submits that in the said selection test, in addition to the compulsory questions under Group "A", the petitioners being aspirants for appointment in the post of Teacher, subject 'Work Education', are required to answer the questions under Group "B" but the petitioners in their OMR answer sheets, not only shaded circle option 'B' but also shaded circle option 'C' , as a result, the OMR

Reader/Scanner could not assess the marks to the answers of the petitioners under Group “B”.

To assess the veracity of the allegation and the counter-allegation, affidavit needs to be invited from the Commission.

The learned counsel for the petitioners in all the matters submit that it is sufficient to invite such affidavit in one matter only, therefore let affidavit-in-opposition to the W.P.A. 5916 of 2022 be affirmed by the Commission within two weeks from date, in the said affidavit, the Commission shall specifically deal with the allegations made in paragraph 15 of the said writ petition and shall also disclose the method of keeping of the original OMR answer sheets in its custody.

Reply to the said affidavit, if any, be affirmed by the petitioner within two weeks from the date of receipt of the copy of such affidavit-in-opposition.

The issue regarding maintainability of the writ petitions as urged by Mr. Mukherjee, learned Counsel for Commission, is kept open.

Let the matters appear in the **Supplementary List** on **February 02, 2024**.

Parties to act on the server copy of this order duly downloaded from the official *Website* of this Court.

(Biswajit Basu, J.)