

Form No. J(2)
Item No. ML / 216
ARPAN – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 8529 OF 2024

SEKH SAMAD

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Subrata Bhattacharya, Adv.

For the W.B.B.S.E. : Ms. Koyeli Bhattacharya, Adv.

Hearing Concluded On : 18.09.2025

Judgment On : 18.09.2025

SAUGATA BHATTACHARYYA, J.:

1. Petitioner's daughter participated in Madhyamik Examination, 2023 conducted by the West Bengal Board of Secondary Education (for short, '*Board*') and qualified the said examination. However, on supplying authenticated copies of answer scripts of English and Life Science to the student, she was aggrieved on finding that marks against certain

answers were not awarded properly which triggered the present writ petition.

2. In order to substantiate the case made out in this writ petition notice of this Court has been drawn to answers to question nos.8 and 9 of English paper where first Examiner awarded 10 marks each to question nos.8 and 9. However, subsequently, 10 marks, which were awarded to question no.8, were reduced to $9\frac{1}{2}$ and 10 marks, which were awarded to question no. 9, were reduced to $5\frac{1}{2}$.
3. It is further submitted on behalf of the petitioner that reduction of marks awarded to answers to question nos.8 and 9 is improper. Petitioner prays for appropriate direction for re-evaluation of answer scripts of English and Life Science.
4. Board is represented by learned advocate who submits that at the time of evaluating answer scripts of English paper Examiner awarded 10 marks each to question nos.8 and 9. However, on rechecking by the Head Examiner against question no.8 10 marks were reduced to $9\frac{1}{2}$ and against question no.9 10 marks were reduced to $5\frac{1}{2}$.
5. It is further submitted on behalf of the Board that awarding of marks on rechecking by Head Examiner is a regular process where sometimes marks are enhanced or marks are reduced. It is also submitted that as per regulations governing Madhyamik Pariksha there is no provision for re-evaluation of answer scripts of successful candidates.

6. While appraising the case made out in this writ petition Court neither finds any material irregularity in reducing the marks awarded to question nos.8 and 9 in English paper nor it is demonstrated on behalf of the petitioner that improperly marks were reduced by the Head Examiner while rechecking answers to question nos.8 and 9.
7. In this regard reliance is 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.)**. It was succinctly decided in paragraph 30.2 of **Ran Vijay Singh** (*supra*) 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.
8. As per examination regulations governing Madhyamik Pariksha there is no provision for re-evaluation of answer scripts of successful candidates. Moreover it is also not demonstrated clearly on behalf of the petitioner that there was material error in reducing marks which were initially awarded to answers against question nos.8 and 9 in English paper.
9. Hence, no relief can be granted to the petitioner.
10. Writ petition stands dismissed.

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

(Saugata Bhattacharyya, J.)