

23.04.2024
Court No.13
Item No. 2-14, 292 and 323
sp

WPA 13548 of 2022
Yesmina Khatun
Vs.
The State of West Bengal and Ors.
With
WPA 16162 of 2022
Bobai Ghosh
Vs.
The State of West Bengal and Ors.
With
WPA 19903 of 2022
Chandrendu Singha
Vs.
The State of West Bengal and Ors.
With
WPA 19905 of 2022
Nur Selim Mondal
Vs.
The State of West Bengal and Ors.
With
WPA 19907 of 2022
Nasim Banu
Vs.
The State of West Bengal and Ors.
With
WPA 19909 of 2022
Nabarun Ghosh
Vs.
The State of West Bengal and Ors.
With
WPA 19911 of 2022
Lipika Mandal
Vs.
The State of West Bengal and Ors.
With
WPA 19913 of 2022
Suman Mondal
Vs.
The State of West Bengal and Ors.
With
WPA 19915 of 2022
Susmita Mondal
Vs.
The State of West Bengal and Ors.
With
WPA 19995 of 2022
Riya Banerjee
Vs.
The State of West Bengal and Ors.
With
WPA 19999 of 2022
Nila Mandal Mudi
Vs.

The State of West Bengal and Ors.
 With
 WPA 20002 of 2022
 Rakhal Mathuri
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 23627 of 2022
 Sampa Shit (Pal)
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 21695 of 2023
 Supriyo Chowdhury & Ors.
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 22481 of 2023
 Wasim Akhtar
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 23166 of 2022
 Prasanta Pal & Ors.
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 26877 of 2022
 Suchita Mondal & Ors.
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 7531 of 2023
 Babli Sarkar & Ors.
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 26913 of 2023
 Papan Ghosh & Ors.
 Vs.
 The State of West Bengal and Ors.
 With
 WPA 20750 of 2022
 Md. Sayem Ali
 Vs.
 The State of West Bengal and Ors.

Mr. Sudipta Dasgupta,
 Ms. Dipa Acharyya,
 Mr. Arka Nandi
 Mr. Sutirtha Nayek

... for the petitioners.

Mr. Firdous Samim,

Ms. Gopa Biswas,
 Ms. Payel Shome,
 Ms. Sampriti Saha,
 Ms. Purba Mukherjee,
 Mr. Avijit Kar,
 Ms. Mohona Das

....for the petitioners in WPA 23166 of 2022, WPA 26877
 of 2022, WPA 7531 of 2023, WPA 26913 of 2023, WPA
 21695 of 2023, WPA 22481 of 2023.

Mr. Ratul Biswas,
 Mr. Kaushik Chowdhury

... for the WBBPE

Mr. Arindam Chattopadhyay,
 Ms. Lipika Chatterjee

... for the State in WPA 13548 of 2022 &
 WPA 16162 of 2022.

Mr. Biswabrata Basu Mallick,
 Mr. Sayan Ganguly

... for the State in WPA 19903 of 2022 &
 WPA 23627 of 2022.

Mr. Biswabrata Basu Mallick,
 Mr. Sanjib Das

... for the State in WPA 19909 of 2022

Mr. Sougata Mitra

..for the State in WPA 19911 of 2022

Mr. Biswabrata Basu Mallick,
 Mr. Joydip Banerjee

... for the State in WPA 19913 of 2022

Mr. Pantu Deb Roy,
 Mr. Pannalal Bandopadhyay

..for the State in WPA 19915 of 2022

Mr. Ranjan Saha

... for the State in WPA 20002 of 2022

1. This Court has considered the questions, the answer keys whereof have been disputed by the petitioners. The examination process was the TET for the year 2017. This Court is of prima facie satisfied with regard to the disputes raised by the petitioners after

having considered the views of the experts appointed by the Board.

2. This Court has also considered the decision of the Supreme Court in the case of ***Rishal & Ors. Vs. Rajasthan PSC & Ors.*** reported in ***(2018) 8 SCC 81***.

3. While Mr. Sudipta Dasgupta's clients have raised disputes in respect of answer keys to the 12 questions, the writ petitioners represented by Mr. Firdous Samim, have raised disputes in respect of answer keys to 21 questions. It is found that either the questions are vague or more than one answer key is possible.

4. This Court, therefore is inclined to refer the entire set of questions and answer keys, i.e., 150 in total to an independent expert. The other view is only the disputed questions ought to be referred to the experts.

5. Learned counsel for the Board wishes to obtain instructions.

6. Upon receipt of the opinion of the third party expert, there are two courses of action that could be adopted by this Court. (a) The first is to strike out the questions for which there is more than one possible answer and likewise strike off those questions which are vague. As a consequence of this, the total marks, would stand reduced and the marks awarded to all candidates would have to be redistributed. (b) The second option is, award marks only to those who attempted the disputed

answer key questions, irrespective of the answer key chosen by them. A third option has been proposed by the Court, i.e., award marks to only those candidates who may have chosen the correct answer key by the expert along with those who have given the answer as per the Board. The scenario shall be assessed tomorrow.

7. List these matters tomorrow (24.04.2024) for further consideration.

(Rajasekhar Mantha, J.)