

25.08.2025
Ct. No. 2
Daily list Sl. No. 32
Moumita

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side

WPA 29214 of 2024

Mallika Chakraborty and Ors.
Vs.
The State of West Bengal & Ors.

Mr. Sabyasachi Chatterjee
Mr. Badul Karim
Mr. Sarajit Roy
Mr. Aritra Ghosh
Ms. Monalisha Sinha

....For the Petitioner

Ms. Bratati Roy Chowdhury

....For the Respondents

Ms. Piyali Sengupta
Mr. Victor Chatterjee

...For the PSC

Mr. Sabyasachi Chatterjee, learned counsel
appears for the petitioner.

Ms. Piyali Sengupta, learned counsel appears for
the respondent nos. 4 to 6. On her prayer time to file
report in the form of affidavit on behalf of respondent no.
5 stands extended till today. The report filed in Court
today is taken on record. Copy has been served.

Identically the reply to the said report filed by the
petitioner in Court today is taken on record.

Ms. Bratati Roy Chowdhury, learned counsel
appears for respondent nos. 1 and 2/state.

A specific case, inter alia, pleaded in the writ
petition is as follows:

'Your petitioners state that the petitioners were not secured the cut of marks of the said examination process due to wrong evaluation of the answer scripts of the petitioners.

However, the petitioners were confident that they have excellently performed in written examinations, but they have not got their expected score hence they make several R.T.I. Applications before the appropriate authorities under the R.T.I. Act, 2005. The petitioner no. 1 and 2 herein was called for re-checking of their answer script, but the department provide the answer script where few pages were missing from it. So that your petitioners are very dissatisfied with this kind of callousness of the Respondent Authorities.

Photocopy of the R.T.I. Applications are annexed herewith and marked as P-5.'

The specific stand taken by respondent no. 5 in the report on affidavit is as follows:

'The allegations regarding missing pages of the answer scripts are baseless, cryptic and fabricated. The original records and/or answer scripts are lying at the office of the Public Service Commission and nothing wrong was found. The Commission, being transparent, always took utmost care to maintain the sanctity of each selection process. It is pertinent to mention that the petitioner no. 1 inspected her original answer script on 5th July, 2024 at the office of the Public Service Commission, West Bengal but raised no complaint regarding the missing of pages in the answer scripts at the time of such physical inspection'

Before going into the other issues raised by the petitioners in the writ petition and subject to the point of maintainability which shall be considered on the next day as raised by the respondents, the respondent no. 5 shall produce the original answer scripts of all the petitioners before this Court as they have contended that the original records and/or answer scripts are lying at the office of the Public Service Commission and nothing wrong was found. The respondent no. 5 shall carry the original answer scripts of the petitioners in a sealed cover and shall place the same before this Court on the next day.

The writ petition shall appear under the heading **‘*Motion (TOP)*’** for the limited purpose for production of the original answer scripts on ***September 18, 2025***.

It is clarified that the point of maintainability of the writ petition is still kept open and shall be heard first when the writ petition shall be taken for further consideration.

(Aniruddha Roy, J.)