

**IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
Appellate Side**

Judgment (2)
Moumita
Daily list Item No. 2
Court No. 2

**Present :
The Hon'ble Justice Aniruddha Roy**

WPA 29214 of 2024

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

For the Petitioners : **Mr. Sabyasachi Chatterjee
Mr. Badul Karim
Mr. Sarajit Roy
Mr. Aritra Ghosh
Ms. Monalisha Sinha**

For the Respondents : **Ms. Bratati Roy Chowdhury**

For the Respondent nos. 4 to 6/PSC : **Ms. Piyali Sengupta
Mr. Victor Chatterjee**

Heard on : **18.09.2025**

Judgment on : **18.09.2025**

Aniruddha Roy, J.:

1. Mr. Sabyasachi Chatterjee, learned counsel appears for the petitioners.
2. Ms. Piyali Sengupta, learned counsel appears for the respondent nos. 4 to 6/Public Service Commission.
3. Ms. Bratati Roy Chowdhury, learned counsel appears for respondent nos. 1 and 2/state.

4. Pursuant to the direction dated **August 25, 2025** made by this Court the original answer scripts are produced in a sealed envelopes before this Court today. The officer concerned of the Public Service Commission (PSC) who has carried the envelopes is present in Court. The four writ petitioners also personally present in Court.
5. In open Court the envelopes have been opened and the original answer scripts have been taken out from the envelopes. The original answer scripts have been provided for inspection in Court to Mr. Sabyasachi Chatterjee, learned counsel and Ms. Piyali Sengupta, learned counsel they have taken details inspection in presence of the petitioners. Upon inspection the finding are recorded as follows:

(i) On inspection of the original answer scripts (4 in numbers) of the petitioner no. 1 **Ms. Mallika Chakraborty**, it appears that there is no inconsistency insofar as the pages of the answer scripts are concerned and all pages therein are available in a continuous manner.

Further both the learned counsel for the parties have also confirmed this court that, there is no mistake or arithmetical error in addition of marks.

(ii) On inspection on the original answer scripts (4 in numbers) of the petitioner no. 2 **Ms. Sudipta Mondal**, it appears that there is no inconsistency insofar as the pages of the answer scripts are concerned and all pages therein a continued manner.

Further both the learned counsel for the parties have also confirmed this court that, there is no mistake or arithmetical error in addition of marks.

(iii) On inspection on the original answer scripts (4 in numbers) of the petitioner no. 3 **Ms. Sritikana Mondal**, it appears that there is no inconsistency insofar as the pages of the answer scripts are concerned and all pages therein a continued manner.

Further both the learned counsel for the parties have also confirmed this court that, there is no mistake or arithmetical error in addition of marks.

(iv) On inspection on the original answer scripts (4 in numbers) of the petitioner no. 4 **Ms. Chandana Das Sen**, it appears that there is no inconsistency insofar as the pages of the answer scripts are concerned and all pages therein a continued manner.

Further both the learned counsel for the parties have also confirmed this court that, there is no mistake or arithmetical error in addition of marks.

6. All the four sealed envelopes as produced before this Court containing the answer scripts of the four writ petitioners, after scrutiny again kept in the same envelopes and stapled. All the said four envelopes with the original answer scripts are returned to Mr. Sanjay Das, Deputy Secretary, Public Service Commission present in Court and he has taken the same into his custody.

7. Mr. Sabyasachi Chatterjee, against question no. 13 of the arithmetic question paper has raised a doubt on a comment written in pencil to the effect that if one attempts, he/she will be awarded marks. There is no seal and signature of any authority under the comment. There were few thousands question papers were distributed amongst the candidates and may be few are still lying in the record of the PSC. Such a stray writing by pencil in one such question paper would not give rise of any doubt regarding the sanctity of the examining authority in conducting the examination where the aspirants sat for examination were few thousands.
8. Mr. Chatterjee referring to the said pencil written comment further submits that, on the basis of this pencil written remark candidates have already been awarded marks therefore, there must be a decision. A propo this submissions, at the outset the principle of law to be kept in mind that it is not the job of a writ court to go for a roving and fishing enquiry. Even if, such a dispute has been sought to be raised, the same requires a properly constituted and detail trial, which is not the job of a writ court. Hence, the objection, if any, stands **over-ruled and rejected**.
9. Paragraph no. 12 to the writ petition contents the valuing statement of the petitioners on oath, which runs as follows:

“.....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
Authority.....”*

10. The said paragraph no. 12 from the writ petition read with paragraph no. 5 of the reply on filed behalf of the petitioner and the record shows the statements are not only untrue and incorrect but also untrue and incorrect to the knowledge of the petitioners, insofar as the petitioner nos. 1 to 3 are concerned.
11. After discovering the said act and omission, the petitioners have tendered unqualified apology before this court and have undertaken that they shall never mislead the court henceforth.
12. Considering the case made out in the writ petition and considering the scrutiny of the original answer scripts, it appears to this Court that there is no error committed on the part of the examination authority while evaluating the answer scripts of the four petitioners.
13. Hence, this writ petition is without any merit. However, the petitioners shall jointly pay a consolidated cost of **Rs.2,000/-** in favour of the **High Court Legal Services Authority** positively within **seven days** from date.

(Aniruddha Roy, J.)