

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present- *

The Hon'ble Sayeed Ahmed Baba, Officiating Chairperson & Member (A)

Case No. – OA-08 of 2024

Romana Rumki -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and
Date of order

For the Applicant

: Mr. D. Pal,
Mrs. S. Das,
Ld. Advocates.

For the State Respondent

: Mr. S.N. Ray,
Ld. Advocate.

For the PSC, WB

: Mr. S. Bhattacharjee,
Ld. Advocate.

02
14.03.2024

The matter is taken up by the Single Bench pursuant to the order contained in the Notification No. 638-WBAT/2J-15/2016 (Pt.-II) dated 23rd November, 2022 issued in exercise of the powers conferred under Section 5(6) of the Administrative Tribunals Act, 1985.

On consent of the learned counsels for the contesting parties, the case is taken up for consideration sitting singly.

Affidavit of service filed, be kept on record.

The prayer in this application is for a direction to the respondent authorities to re-evaluate the answer scripts of the petitioner. The applicant has alleged that some of the answers that he had given against the questions were, though correct, but no marks have been awarded. The application mentions a total of 10 (ten) number of such instances in which the allegation is that the Commission failed to give marks for the correct answers given by the applicants.

It has been the finding of this Tribunal in such prayers that it is the exclusive domain of experts appointed by the Public Service Commission to decide whether any answer given by a candidate against a question is correct or not. There are several judgments of the Hon'ble Apex Court by which such prayers have not been considered on the primary ground that the Tribunals cannot play the role of an expert over the experts of the Commission. Similar to other applications, this applicant has also presumed that the answers given by her are correct and those evaluated by the expert of the Commission are wrong. This Tribunal reiterates its opinion that it is not the competent authority to express any views on the evaluation done by the experts of the Commission. As an instance to such presumptions, this applicant gives an instance of one such presumed incorrect decision of the Commission. In question 3 (K), the

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examiner has asked the antonym of the word 'ferocious'. The applicant had given the word 'gentle' as antonym to the word 'ferocious' which was marked incorrect. The Tribunal does appreciate such presumptions in the minds of unsuccessful candidates, but it can neither interfere with the evaluation done by the experts of the Commission nor it is an expert body to question the decisions of the Commission.

Having found that it has no merit, therefore, this application is **disposed of** without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM