

ORDER SHEET

WEST BENGAL ADMINISTRATIVE TRIBUNAL

Bikash Bhavan, Salt Lake, Kolkata – 700 091.

Present-

THE HON'BLE SAYEED AHMED BABA, OFFICIATING CHAIRPERSON AND ADMINISTRATIVE MEMBER,

Case No. - OA 116 OF 2024

SAGNIK DATTA - Vs - THE STATE OF WEST BENGAL & OTHERS.

Serial No. and
Date of order

03
18.12.2024

For the Applicant : Mr.N.Saha
Advocate
For the State Respondents : Mr.Soumendra Narayan Ray
Advocate
For the Public Service : Mr.Sourav Bhattacharjee
Commission, West Bengal Advocate

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.

Supplementary affidavit enclosing the text booklet filed today on behalf of the applicant, be kept in record. Reply filed today by the learned counsel for the Public Service Commission, also be kept in record.

On perusal of the records presented today before this Tribunal, it is not in dispute that though the Question No. 31 has been cited by the applicant, but the applicant did not attempt the question at all by showing any option. Excluding the question No. 31, the other questions being disputed for the answers fixed by the Commission is question No. 32, 44, 47 and 65. The applicant, as evident from the question booklet, had selected option (D) for question No. 32; option (A) for question No. 44; option (A) for question No. 47 and option (D) for question No. 65. According to the applicant, as submitted by his learned counsel, the

answers given by the applicant are correct and such assumption is on the basis of the text books recommended by the Maulana Abul Kalam Azad University of Technology. In the syllabus under “Engineering Electromagnetics”, the text book authored by William H.Hayt, Jr., and John A.Buck have been recommended by the University. The book itself was published by Tata McGraw Hill Education Private Limited. Attention has been drawn to an internal page No. 94, the paragraph beginning with...

“Any field that satisfies an equation of the form of (21), (i.e., where the closed line integral of the field is zero) is said to be a conservative field. The name arises from the fact that no work is done (or that energy is conserved) around a closed path. The gravitational field is also conservative, for any energy expended in moving (raising) an object against the field is recovered exactly when the object is returned (lowered)” is relied on by the applicant to suggest the answers so given by the applicant as per this text book was correct.

However, the Commission still insists that the answers fixed by it to the question Nos. 32, 44 and 65 were correct. The reply of the Commission also suggests that after the examination was over, by a notice, the candidates were advised to bring to its notice any errors or incongruities in the questions and answers. After such notice was published, many of the candidates brought to the Commission’s notice some errors and incongruities, including the applicant. The Commission further states that once such information was received from some of the candidates, the Commission advised its experts to re-assess the answers in view of the errors as pointed by the candidates.

Having re-examined and re-assessed the questions in dispute, the

experts presented a final report before the Commission. From copy of such report signed by the expert and presented to the Commission, it is seen that for question No. 31, the original answer was (B) and after reassessment it remained (B). For question No. 32, the original answer was (A) and after reassessment it remained (A). For question No. 44, the original answer was (D) and after reassessment it remained (D). In question No. 47, the original answer uploaded by the Commission was (B) which has now been revised by the experts as (C), being correct answer. For the question No. 65, the original answer was (A) and after reassessment it remained (A). So far the answer to question No. 31, it has become clear that the applicant did not answer any of the option (A) (B) (C) (D) and left it unanswered for which he was not given any marks. According to the applicant 3 options, (B) (C) (D) were “vector quantities” and therefore, all are correct answers. However, on perusal of the report of the expert presented to the Commission, it has been made clear that for answer to question No. 31 was originally fixed as option (B) and after re-assessment also it remained (B).

From the submission of the learned counsels and on examination of the records, it has become clear to this Tribunal that the Commission had allowed the candidates to bring to their notice any errors and discrepancies in the answers so fixed by the Commission. In terms of such notice, many of the candidates had written to the Commission, including this applicant. The Tribunal is fully satisfied that the Commission had given the candidates a fair opportunity to let them know of any errors and incongruities. The Commission also relied on the views of the experts once again for re-assessment in the light of such complaints submitted by some of the candidates including this applicant. It has become clear that the experts after reassessment had presented a

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report to the Commission in which the original answers in all the disputed questions, except one had been reassessed as correct as the original one. Since this field of assessment and re-assessment is the exclusive domain of the experts, the Tribunal does not want to interfere and over rule the opinion of the experts. It has neither such mandate nor the expertise to decide correctness of the views expressed by the experts. In fact, the Hon'ble Supreme Court in (2018) 8 SCC 81 has remarked, *"The issue pertaining to scope of judicial review of correctness of key answer had been considered by this Court time and again. This Court had entertained such challenges on very limited ground and has always given due weight to the opinions of subject experts"*.

Therefore, in view of observations in the foregoing paragraphs and in particular, the view of the Hon'ble Apex Court, this Tribunal desists from interfering with the Commission and its subject experts and disposes this application without passing any orders.

(SAYEED AHMED BABA)
OFFICIATING CHAIRPERSON AND MEMBER (A)

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