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-31 of 2024

Sanjukta Biswas -- VERSUS – The State of West Bengal & Ors.

Serial No. and Date of order		
03 25.07.2024	For the Applicant	: Mr. G.P. Banerjee, Ld. Advocate.
	For the State Respondent	: Mr. S. N. Ray, Ld. Advocate.
	For the PSC, WB	: Mr. Sourav Bhattacharjee, Ld. 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.

The applicant has filed this application praying for a direction to the Public Service Commission, West Bengal to reassess some of the answers given by the applicant to the questions. The applicant had participated in the recruitment process to the post of Supervisor (Female), ICDS, 2019. When the final merit list was published, the applicant's name not being featured, she filed an RTI before the Commission requesting for photocopies of the answer script in the English-1, Bengali-2, General Studies-3 and Arithmetic-4. Her RTI request was allowed and the photocopies of the answer sheet written by the applicant during the exam was given to her. While going through her own answers, she detected some answers she had given to the questions where treated wrong or partly right and not given the full marks. The applicant believes that the answer she had given were correct and the Commission was wrong in treating this as not correct or partly correct and thus, not giving her the full marks she deserves. For instance, she is not happy that only one mark was given to her answer to the question :

7 f) সবুজ সাথীর দুটি উদ্দেশ্য :
i) 9-12 ক্লাসের ছাত্রছাত্রীদের সাইকেল প্রদানের মাধ্যমে স্কুলছুটের হার জমছে।
ii) বায়ুদূষণও কমেছে সাইকেল ব্যবহার করায়।
নির্মল পরিবেশ বজায় রাখতে সাহায্য করে।

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. The Tribunal is not satisfied that the applicant has been able to demonstrate beyond any reasonable doubt that such marking done by the Commission was wrong. Thus, the Tribunal cannot come to such a conclusion that the answers given by the applicant was correct beyond the "realm of doubt". The Tribunal does appreciate such presumptions are bound to come 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.

In the Ran Vijay Singh & Others Vs. State of U.P. the Hon'ble Supreme Court had decreed:-

30.3: The Court should not re-evaluate or scrutinise the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics.

Having found this application devoid of any merit, it is **disposed of** without passing any orders.

SAYEED AHMED BABA
Officiating Chairperson & Member (A)

CSM