

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 719 of 2021**

*Moumita Nandī* -- **VERSUS** – The State of West Bengal & Ors.

Serial No. and  
Date of order

For the Applicant : Ms. Gopa Biswas,  
Ld. Advocate.  
For the State respondent : Mr. S.N. Ray,  
Nos. 1,4, 6 & 9 Ld. Advocate.  
For the PSC, WB : Mr. S. Bhattacharjee,  
Ld. Advocate.

10  
23.03.2023

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 23<sup>rd</sup> 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.

The prayer in this application is for a direction to the concerned respondent to re-evaluate the OMR Sheet of the applicant and award full marks to Question Nos. 4, 9, 41, 63, 65 and 94 of the Text Booklet series “D”.

The Public Service Commission, West Bengal had issued an advertisement for recruitment to the post of Junior Engineers (CE/ME/EE) in 2017. The list of successful candidates was published on 01.10.2019. Since the applicant did not find his name in the list of successful candidates, this application was filed before the Tribunal with the allegation that answer to certain questions were wrongly fixed by the Commission. According to the applicant, the answers to these questions would have been different.

In the reply submitted on behalf of the Commission at para (4A), the Commission refutes the allegation that the key answers to these questions are wrong. However, experts were asked to re-check the answers to which they replied through a mail, relevant portion is as under :

*“After checking I have found that there will be no change in the answer key (appears to be correct or best) of question no. 4, 9,41, 63, 65 and 94 as per your letter no. 353.PSC/Con(Q) dated 7<sup>th</sup> July, 2022 for the Post of Junior Engineer’s (C/M/E) RECTT. Exam 2017.”*

Mr. Bhattacharjee submits that opinion as to the correctness of any question is the domain of experts and in this matter, the experts have, even

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after rechecking, suggest that the answers as given were correct. Mr. Bhattacharjee further submits that another similar candidate who was not successful in the same exam had filed an application before this Tribunal being OA 721 of 2021. The said application was considered by the Tribunal and dismissed the case without any relief to the applicant. The relevant portion of the order dated 17.12.2021 in OA 721 of 2021 is quoted as under:

*“..... Since the matter relates to correctness of key answers and as the answers are evaluated by experts and the Tribunal cannot sit on judgement on such evaluation.....*

*The application is disposed of.”*

Both the learned counsels pray for adjournment to submit relevant Apex Court Judgment on the next date. In the rejoinder submitted by the applicant, she has refuted the statement made by the Commission in the reply. The point of admissibility of this application as submitted by Mr. Bhattacharjee is kept open.

Let the matter appear under the heading **“For Orders”** on **13.04.2023.**

**SAYEED AHMED BABA**  
**Officiating Chairperson & Member (A)**

CSM/SS