

39. 12.12.2022
BD Ct.15

W.P.A. 18905 of 2019

Sunanda Mukherjee

-vs-

State of West Bengal & Ors.

Mr. Ranjan Kali

Mr. Suraj Bhattacharya

Ms. Pampa Pal

... for the petitioner.

Dr. Sutanu Kumar Patra

Ms. Supriya Dubey

... for the SSC.

Ms. Koyeli Bhattacharya

... for the WBBSE

Matter is heard in presence of the learned advocates representing the petitioner, West Bengal Board of Secondary Education and the West Bengal Central School Service Commission being the principal respondents.

The learned advocate for the petitioner submits that the petitioner participated in the selection process i.e., State Level Selection Test 2016 for appointment in the post of Assistant Teacher in upper primary section in Government aided recognised secondary school.

The grievance of the petitioner is she qualified in the written test and marks were awarded to the petitioner in consideration of her academic performance but subsequently petitioner was not called for the personality test by conducting verification process.

According to the petitioner, had fair selection process been conducted by the Commission then petitioner would have been permitted to participate in the verification process as well as personality test. Petitioner prays for necessary direction for her participation in the personality test before preparation of the merit list/panel for appointment of Assistant Teacher in upper primary section.

Dr. Patra, learned counsel representing the West Bengal Central School Service Commission submits that the selection process where petitioner participated has been set aside by the dint of the judgment of a coordinate Bench dated 11th December, 2020. Based on the said judgment dated 11th December, 2020 it has further been submitted that in view of cancellation of the selection process petitioner has no right to pray for direction for her participation in personality test. It has further been submitted on behalf of the Commission that after cancellation of the said selection process in terms of the order of the coordinate Bench the Commission has initiated fresh selection process from the stage of verification. It has been urged that petitioner ought to have applied by offering her candidature in the said verification process.

The learned advocate representing the petitioner submits that she uploaded her candidature on initiation of verification process by the Commission pursuant to the judgment dated 11th December, 2020 but she was not called for the personality test.

In view of submissions being made on behalf of the respective parties to this writ petition it appears due to cancellation of the selection process in terms of the judgment of the coordinate Bench dated 11th December, 2020 the petitioner has no right to make prayer for her participation in the verification process as well as personality test based on offering of her candidature in the selection process i.e., SLST 2016 for appointment in the post of assistant teacher in upper primary sections which was ultimately set aside by the coordinate Bench.

However, if the petitioner has any grievance to the extent of not allowing her to participate in the personality test after uploading her candidature on initiation of the selection process in terms of the judgement dated 11th December, 2020 by the Commission it will be open to the petitioner to make a representation to the Secretary, West Bengal Central School Service Commission, within a period of fortnight from this date. If such representation is made within the aforesaid time the Secretary of the Commission shall take decision on such representation in accordance with law within a period of four weeks thereafter and communicate the same to the petitioner within one week thereafter.

With the aforesaid direction the writ petition stands disposed of. However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)