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30.07.2024
Ct. No. 18
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W.P.A. 29029 of 2022

**Rahima Khatun
Vs.
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta
Ms. Shalini Ghosh
...for the petitioner

Mr. Biswabrata Basu Mallick
Mr. Sanjib Das
...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
...for the WBCSSC

Affidavit of service filed on behalf of the petitioner is taken on record.

Petitioner has come up with this writ petition questioning preparation of waiting list in connection with 1st SLST 2016 (Upper Primary) for being appointed in the post of assistant teacher in Work Education and Physical Education Group. According to the petitioner her name has wrongly been excluded from the wait list containing names of other candidates who were awarded lesser marks.

Dr. Sutanu Kumar Patra, learned advocate representing the Commission submits that wait listed candidates for being appointed in the post of assistant teacher of Work Education and Physical Education Group

in connection with selection process of 1st SLST 2016 (Upper Primary) have been recommended on the supernumerary posts but the appointment of the wait listed candidates could not ultimately be made since creation of supernumerary posts has been stayed by a coordinate Bench and the issue is pending for final adjudication.

From the submissions made on behalf of the Commission it also appears that the notification by which supernumerary posts were created for appointment of assistant teachers in connection with classes IX, X, XI and XII under 1st SLST 2016 is under consideration before the Hon'ble Supreme Court. It is also submitted by the same notification the supernumerary posts in connection with appointment of assistant teacher in Work Education and Physical Education Group were created.

Therefore, it appears that issuance of notification creating supernumerary posts unless is decided by the Hon'ble Supreme Court appointment of candidates from the wait list for the posts of assistant teacher in Work Education and Physical Education Group in connection with 1st SLST 2016 (Upper Primary) cannot be finalized. Therefore, in the event act of creation of supernumerary posts by the State-respondents is upheld by the Hon'ble Supreme Court the issue which has been raised in this writ petition can only be gone into. At this stage the entire issue

is academic whether petitioner was wrongly excluded from the wait list or not.

In view of aforesaid scenario the writ petition stands dismissed with leave to the petitioner to take steps in accordance with law if the notification whereby supernumerary posts have been created is upheld by the Hon'ble Supreme Court.

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

(Saugata Bhattacharyya, J.)