

Sl. 01 20.12.2024
NB Ct. 17

WPA 30460 of 2024

Sujata Mondal
Vs.
The State of West Bengal & Ors.

Mr. Sakti Pada Jana,
Mr. Subhajyoti Das,
Ms. Sudipta Pramanik.
..for the petitioner.

Mr. Dipanjan Datta,
Ms. Sukanya Datta,
Sk. Md. Masud.
...for the State.

Mr. Sunit Kr. Roy.
...for SSC.

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

Learned counsel appearing on behalf of the petitioner submits as follows. The petitioner had applied for the post of Assistant Teacher at the Upper Primary Level. Initially, her candidature was turned down on the ground that she was overage. She was constrained to move this Court. By an order dated 2nd August, 2019 passed by a coordinate Bench of this Court in *WP No. 11752(W) of 2019*, the respondent authorities were directed to consider the petitioner for verification and/or for any of the stages which were required under the 2016 Rules. It was clarified that the eligibility of the writ petitioner would, of course, be assessed under the Rules. In spite of this, she was again not considered. This prompted her to move this Court again. By an order dated 08.12.2022 passed in *WPA 23922 of 2022*, it was recorded that during pendency of the writ petition, the West Bengal Central School Service

Commission had asked the petitioner to appear in the personality test. This was presumably after the Commission understood their mistake. The petitioner's name appeared in the merit list for the second phase of counselling published on 16th December, 2024. But, when the petitioner approached the authorities and appeared before them for counselling, again she was told that she was overage. This is a clear and deliberate violation of the orders passed by this Court and amounts to contempt of Court.

Learned counsel appearing on behalf of the Commission denies the allegations made in the writ petition and submits as follows. Unfortunately, a mistake has been repeated by the concerned officials of the Commission in refusing to entertain the petitioner on the ground that she was overage. The Commission would take necessary steps to ensure that the staffs representing them would not commit such a mistake again. Since the Counselling to be held on 23.12.2024 does not pertain to the subject of pure science, the Commission would fix another date for counselling of the petitioner.

In view of the undertaking given by the West Bengal Central School Service Commission, no further order need be passed in this regard. However, the Commission shall fix a date for counselling of the petitioner, which shall not be beyond two weeks from this date.

With these observations, the writ petition is disposed of.

As affidavits were not called for, the allegations contained in the writ petition are deemed not to have been admitted.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Learned advocate on record of the petitioner shall be at liberty to communicate a gist of this order to the concerned authorities.

(Jay Sengupta, J.)