

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 4155 of 2023
with
IA No. CAN 1 of 2025
with
CAN 2 of 2025
(Assigned)

Sonali Das
v.
The State of West Bengal & Ors.

Mr. Vishak Bhattacharya
Ms. Biyanka Bhattacharya
... For the petitioner

Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee
... For the State

Dr. Sutanu Kumar Patra
Ms. Supriya Debey
... For the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
... For WBBSE

1. The petitioner participated in the 1st State Level Selection Test, 2016 conducted by the West Bengal Central School Service Commission. In accordance with the direction passed by the Hon'ble Supreme Court, a list of tainted candidates has been published by the Commission. The name of the petitioner appears in the said list. The petitioner is aggrieved by the same. Specific submission is that the petitioner cannot be treated as a tainted candidate.

2. In support of such submission, reliance has been placed on paragraph 3(h) of the affidavit filed by

the Commission before the Hon'ble Supreme Court which is annexed to CAN 2 of 2025 in WPA 4155 of 2023.

3. It has been submitted by the Commission that as per its database, the petitioner's marks is 42, but, the OMR marks as per the CBI corroborated by the Commission is 41. The same implies that one extra mark was awarded to the petitioner.

4. According to the petitioner, she was not responsible for the one extra mark that was reflected in the Commission's database.

5. Fact remains that the Commission was compelled to publish the list of tainted candidates which has been done after obtaining detailed inputs from the CBI. Criminal proceeding is pending consideration. At this stage, passing any order observing that the name of the petitioner was wrongly incorporated in the list of tainted candidates will be highly improper and amount to pre-judging the issue.

6. In view of the above, the prayer of the petitioner for removing her name from the list of tainted candidates cannot be allowed.

7. The writ petition and all other connected applications filed by the petitioner stand dismissed.

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

9. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)