

IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 9187 OF 2025

**JUTHIKA MONDAL
VS.
THE STATE OF WEST BENGAL & OTHERS**

Ms. Rama Halder, Adv.
...for the Petitioner

Mr. Amit Gupta, Adv.
Ms. Mousumi Banerjee, Adv.
...for the State

Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.
...for the W.B.C.S.S.C.

1. Petitioner first participated in 12th Regional Level Selection Test, 2011 but was not selected for being appointed in the post of Assistant Teacher which prompted the petitioner to approach a Co-ordinate Bench in connection with a writ petition being *WPA 8198 of 2013 (Animesh Roy vs. State of West Bengal & Ors.)*. Said writ petition was disposed of by the Co-ordinate Bench on 29th July, 2022 thereby directing appointment of expert committee for scrutinizing answer keys relating to Teacher Eligibility Test (TET), 2011 by the Head of the Department, Education Department, Jadavpur University. It was also directed in the order dated 29th July, 2022 that in appropriate cases West Bengal Central School Service Commission (for short, '*Commission*') shall award marks to the candidates and consequential benefits shall follow.

2. Petitioner derived benefit from this order dated 29th July, 2022 passed by the Co-ordinate Bench by enhancement of marks resulting in issuance of memo dated 13th October, 2022 by the Secretary of the Commission whereby petitioner was asked to participate in the personality test which was scheduled on 9th November, 2022 in connection with 12th RLST, 2011.
3. However, petitioner did not participate in the personality test as she was selected in 1st State Level Selection Test, 2016 for classes XI-XII and already obtained job of Assistant Teacher in higher secondary section.
4. Prayer is made in this writ petition for permitting the petitioner to participate in the personality test in view of memo dated 13th October, 2022 whereby petitioner was asked to participate in personality test which was scheduled on 9th November, 2022, as the petitioner lost job of Assistant Teacher of higher secondary section in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 delivered in civil appeal arising out of ***Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Others).***

5. On behalf of the State respondents and Commission learned advocates have opposed this writ petition and it is submitted as the petitioner did not participate in the personality test in terms of memo dated 13th October, 2022 no right accrues in favour of the petitioner to be considered for appointment in connection with 12th RLST, 2011.
6. On consideration of the issue raised in this writ petition, this Court finds that though petitioner derived benefits in terms of the order dated 29th July, 2022 passed by the Co-ordinate Bench in the writ petition being *WPA 8198 of 2013* but she decided not to participate in the personality test which was scheduled on 9th November, 2022.
7. Since petitioner did not participate in the personality test on 9th November, 2022, she lost opportunity to be appointed as Assistant Teacher in connection with her participation in 12th RLST, 2011.
8. Petitioner may have lost job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in ***Baishakhi Bhattacharyya (Chatterjee)*** (*supra*) but such fact does not revive the right of the petitioner to be considered for being appointed as Assistant Teacher as petitioner did not participate in the personality test which was scheduled on 9th

November, 2022 in terms of memo dated 13th October, 2022.

9. Therefore, at this stage, no relief can be granted to the petitioner.
10. Hence, writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)