

20.03.2026
Ct. No. 30
S.L. No. 12-13
SM

WPA 10988 of 2025

In Re: CPAN 1825 of 2025
Sushil Shikary & Ors.
Versus
Vivek Sahay, the Chairman West Bengal Staff
Selection Commission, Kolkata.

Mr. Sayantan Adhya
.....for the petitioner
Mr. Manujendra Narayan Roy (V/C)
.....for the alleged contemnor in
CPAN 1825 of 2025

1. The contempt application has been preferred alleging violation of order dated 22.05.2025, passed by this Court in WPA 10988 of 2025 by the Chairman, West Bengal Staff Selection Commission.
2. On being served, the respondent no. 5, the alleged contemnor, the Chairman of the West Bengal Staff Selection Commission has filed an affidavit of compliance.
3. Vide the impugned order of which violation has been alleged, this Court had passed the following order:-

“.....Accordingly, the respondent no. 5, the Chairman, West Bengal Staff Selection Commission is directed to forthwith empanel the petitioners if they have otherwise succeeded in the selection process and to give them appointment as

per their turn in the panel, if there are any available vacancies and the petitioner is otherwise eligible and has qualified, the appointment shall positively be given forthwith.

*It is clarified that the petitioners shall not be treated as ineligible on the ground of his age at the time of his initial appointment as census enumerator **Uttam Kumar Mondal (supra)**. Nor lacking in experience as has been observed in this order.*

As a consequence of the above directions, the order dated 24.12.2024 issued by the Director of Employment challenged in the writ petition is thus cancelled and set aside.

Writ application being WPA 10988 of 2025 stands disposed of.....”

- 4.** The petitioner herein does not intend to file an exception to the affidavit of compliance.
- 5.** In the affidavit of compliance it has been stated by the alleged contemnor on oath, that The Commission, after keeping its Controlling Department, viz., P & AR Department in the loop, informed, vide memo no. 1060-SSC/CC-05/2025 dated 18.09.2025, the Public Service Commission,

West Bengal, about the order of the Hon'ble Court and requested them to arrange for the papers related to the Recruitment Examination for Sub-Inspector of Food & Supplies (Grade-III), 2014 to be sent to the Commission so as to enable the Commission to comply with the direction of the Hon'ble Court.

6. The reply from the Public Service Commission, West Bengal, vide their memo no. 1494 dated 20.11.2025, was received by this office on 21.11.2025. In their reply, the Public Service Commission, West Bengal stated that the all the files related to the examination concerned had been seized by the Anti-Fraud Section, Detective Department, Kolkata Police with respect to Case No. 181 dated 15.05.2018 of the New Market P.S. Copies of seizure lists and relevant papers were also sent by the PSC, West Bengal. on receipt of the letter, the Commission requested vide memo no. 1286-SSC/CC-05/2025 dated 04.12.2025, the Officer-in-Charge, Anti-Fraud Section, Detective Department, Lalbazar, Kolkata, to provide the OMR Sheets (Hard copies), Tabulation Sheets, Images of OMR, Score Sheet in excel, list of qualified candidates (both hard copy & excel format), files on Nomination of candidates, Original Applications connected with the above-mentioned recruitment examination.

7. It is further stated that after several communications, the Anti-Fraud Section, Detective Department, Kolkata sent, on 06.01.2026 to the Commission **the list of candidates called for Document Verification and Personality Test during the month of November.** In regard to the list of candidates qualified in the Written Test, they intimated that they would not be able to provide the same because no such documents had been seized by them during investigation.

8. Finally the alleged contemnor has relied upon the documents made available to the alleged contemnor by the anti fraud section, which it appears to be the list of candidates who had been called for document verification and personality test and **it appears that that the names of the petitioners were not found in the nominated list and neither in the non-nominated list as per the records made available before them, therefore their candidatures were not found otherwise eligible to be empanelled as per the observation made by this Hon'ble Court while disposing W.P.A. No. 10988 of 2025 on 22.05.2025.**

9. In the instant case, the petitioners according to their own statement, participated in the selection process, but as their names do not figure in the empanelled list whether nominated or non-

nominated, therefore they have failed to qualify the Written Stage, i.e. the first stage of hurdle, therefore, further, calling the petitioners in document verification stage does not arise.

10. In none of the lists mentioned above do the names of the petitioner figure. So, in terms of the Advertisement and available documents, the Commission at this stage does not have anything to rely upon to find them qualified and eligible for recommendation for appointment. And, since the petitioners cannot be found qualified and eligible for appointment, the question of vacancy has not been gone into by the Commission.

11. Accordingly, as this Court finds that the order of which violation has been alleged was a conditional order, being *“to forthwith empanel the petitioners if they have otherwise succeeded in the selection process and to give them appointment as per their turn in the panel, if there are any available vacancies and the petitioner is otherwise eligible and has qualified, the appointment shall positively be given forthwith.....”*

12. Considering the documents placed by the alleged contemnor, it appears that prima facie the petitioners did not qualify in the initial round of examination and as such were not empanelled. **Thus**

there does not appear to be any prima facie violation of the impugned order as alleged.

13. In view of the said affidavit of compliance, the contempt proceedings is accordingly dropped.

14. CPAN 1825 of 2025 stands disposed of.

15. Photostat certified copy of this order, if applied for, be given to the parties on priority basis upon compliance of all formalities.

[Shampa Dutt (Paul). J]