

Form No. J(2)
Item No. DL/1
ARPAN - AR (CT)

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

W.P.A. No.12602 of 2025

Malati Ghosh & Others

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioners	: Mr. Samim Ahammed, Adv. Ms. Gulsanwara Pervin, Adv.
For the State	: Mr. Kishore Datta, A.G. Mr. Sirsanya Bandopadhyay, Sr. Govt. Adv. Mr. Biswabrata Basu Mallick, A.G.P. Ms. Parna Roy Chowdhury, Adv. Mr. Debanjan Mandal, Adv. Mr. Sandip Das Gupta, Adv. Mr. Debayan Sen, Adv. Ms. Mahima Cholera, Adv. Mr. Niket Ojha, Adv.
For W.B.C.S.S.C.	: Mr. Kalyan Kumar Bandopadhyay, Sr. Adv. Mr. Biswarup Bhattacharya, Adv. Mr. Arka Kumar Nag, Adv. Mr. Rahul Kumar Singh, Adv.
Heard On	: 01.07.2025, 09.07.2025 & 10.07.2025
Judgment On	: 10.07.2025

Saugata Bhattacharyya, J.:

1. Matter is heard in presence of the learned advocates representing the petitioners, State respondents and West Bengal Central School Service Commission (for short '*Commission*').

2. Mr. Kishore Datta, learned Advocate General appears on behalf of the State respondents and Mr. Kalyan Kumar Bandopadhyay, learned Senior Advocate represents Commission, who appears online.

3. Petitioners admittedly are over aged candidates as a result whereof they could not offer their candidatures by submitting applications in terms of recruitment notification dated 30th May, 2025 being memo no.1092/7016/ CSSC/ ESTT/ 2025.

4. It is submitted by Mr. Samim Ahammed, learned Advocate representing the petitioners that petitioners are not coming either under the category of tainted or untainted candidates as termed by the Hon'ble Supreme Court in the judgment dated 3rd April, 2025 passed on civil appeal arising out of ***Special Leave Petition (Civil) no.9586 of 2024 [State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.]***. It is submitted that petitioners have no grievance relating to benefit of age relaxation granted to the untainted and differently abled candidates of 1st State Level Selection Test, 2016 for classes IX-X and XI-XII (hereinafter referred to as '*1st SLST, 2016*').

5. It is also contended that by initiating fresh recruitment process upon issuing aforesaid recruitment notification dated 30th May, 2025, recruitments are to be made not only in respect of posts earmarked for 1st SLST, 2016 but also vacancies, which subsequently arose and are clubbed together. Vacancies occurred subsequently will also be filled up. It is argued that candidates termed as untainted and differently abled may have right originates from the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in **Baishakhi Bhattacharyya (supra)** relating to relaxation of upper age limit but their candidatures will also be considered against subsequent vacancies which cropped up and notified in connection with selection process; which has been initiated based on recruitment notification dated 30th May, 2025. It is submitted to the extent vacancies which were not earmarked for 1st SLST, 2016 but untainted and differently abled candidates will get the benefit of age relaxation whereas petitioners will not get the same benefit which offends right to equality as enshrined under Article 16 of the Constitution of India. On this premise petitioners have attempted to make out a case that if in connection with posts which occurred subsequently certain candidates will get benefit of age relaxation, in that event present petitioners are also entitled to get identical benefit. While advancing arguments on behalf of the petitioners reliance is placed on the order passed by this Court on 12th November, 2024 passed on writ petition being **WPA 24394 of 2024 (Sandip Chakravarti & Ors. vs. State of West Bengal & Ors.)**.

6. Such submissions made on behalf of the petitioners are opposed by the learned advocates representing the State respondents and the Commission.

7. It is submitted that nowhere in the judgment delivered by the Hon'ble Division Bench dated 22nd April, 2024 as well as in the judgment of the Hon'ble Supreme Court dated 3rd April, 2025, it was directed that recruiting authority needs to restrict the ensuing selection process to the extent of vacancies which were earmarked for 1st SLST, 2016.

8. According to the respondents, it was open to the recruiting authority to issue fresh notification clubbing vacancies which were earmarked for 1st SLST, 2016 as well as vacancies subsequently occurred. What is required is to initiate fresh selection process in a time bound manner as directed by the Hon'ble Supreme Court in the order dated 17th April, 2025 passed on Miscellaneous Application No.709 of 2025 which was taken out by the West Bengal Board of Secondary Education. Steps have already been taken in compliance with the directions as contained in the judgement dated 3rd April, 2025 and the subsequent order dated 17th April, 2025 passed on aforesaid miscellaneous application.

9. This Court finds substance in the submissions made on behalf of the respondent authorities that it was not stipulated either in the judgment of the Hon'ble Division Bench dated 22nd April, 2024 or in the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 read with subsequent order of the Hon'ble Supreme Court dated 17th April, 2025 that ensuing selection

process is required to be restricted to those vacancies which were earmarked for 1st SLST, 2016.

10. Observations made in paragraph 49 of the judgment dated 3rd April, 2025 of the Hon'ble Supreme Court unambiguously made the situation clear that in the ensuing selection process untainted and differently abled candidates would get the benefit of age relaxation notwithstanding the vacancy position.

11. In view of aforesaid discussion, this Court finds that untainted and differently abled candidates are separate categories to the aforesaid extent in connection with the ensuing selection process which has been initiated *vide* recruitment notification dated 30th May, 2025 and the petitioners herein ought not to be equated with those candidates. Therefore, if petitioners do not satisfy the eligibility criteria in terms of age as prescribed in the aforesaid recruitment notification dated 30th May, 2025, their candidatures ought not to be considered.

12. Hence, no relief can be granted to the petitioners.

13. Writ petition stands dismissed.

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

(Saugata Bhattacharyya, J.)