

Form No. J(2)

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Present:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 13303 of 2025

Anamika Dey

-vs-

State of West Bengal & Ors.

For the Petitioner	: Mr. Sudipta Dasgupta Ms. Sinjini Chakraborti
For the WBBSE	: Ms. Koyeli Bhattacharyya Mr. Bibek Dutta
For the WBCSSC	: Dr. Sutanu Kr. Patra Ms. Supriya Dubey
For the State	: Mr. Gourav Das Mr. Biman Halder

Heard on : 16.07.2025

Judgment on : 16.07.2025

SAUGATA BHATTACHARYYA, J.:

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

2) Petitioner was appointed as an Assistant Teacher on being selected in 1st State Level Selection Test, 2016 (for short, “1st SLST, 2016”) for Classes XI and XII. However, petitioner lost job in terms of judgment of the Hon’ble Supreme Court dated 3rd April, 2025 [State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.].

3) It is submitted by learned advocate representing the petitioner that petitioner has been found to be tainted candidate as a result whereof she has not been permitted to function as an Assistant Teacher in higher secondary section till 31st December, 2025 unlike untainted candidates. Petitioner prays for publication of OMR sheet in connection with petitioner’s participation in 1st SLST, 2016 for Classes XI and XII if publication of OMR sheets of all candidates is not possible. In support of such prayer, reliance is placed on the judgment of the Hon’ble Division Bench dated 22nd April, 2024 passed on a batch of writ petitions first one being WPA 30649 of 2016 (Baishakhi Bhattacharyya (Chatterjee) & Ors. Vs. State of West Bengal & Ors.). According to the petitioner, in terms of direction as contained in the judgment dated 22nd April, 2024 West Bengal Central School Service Commission needs to publish OMR sheets of the candidates in connection with their participation in 1st SLST, 2016 for Classes IX-X and XI-XII.

4) Such prayer made on behalf of the petitioner is opposed by learned advocates representing West Bengal Central School Service Commission and West Bengal Board of Secondary Education. It is submitted by learned advocates representing respondents that in effect petitioner is praying for implementation of direction as contained in paragraph 363(iii) of the judgment dated 22nd April, 2024 passed by the Hon'ble Division Bench.

5) Having considered the respective submissions made on behalf of the parties and taking note of the observations made by the Hon'ble Supreme Court in the judgment dated 3rd April, 2025 delivered in Baishakhi Bhattacharyya (Chatterjee) (supra) read with order dated 17th April, 2025 passed on Miscellaneous Application No. 709 of 2025 in Civil Appeal No. 4805 of 2025 which was preferred by West Bengal Board of Secondary Education and the judgment dated 22nd April, 2024 delivered by the Hon'ble Division Bench, it appears judgment of the Hon'ble Division Bench dated 22nd April, 2024 merged with the judgment delivered by the Hon'ble Supreme Court on 3rd April, 2025. Taking note of this aspect Hon'ble Division Bench while dismissing contempt application being CPAN 621 of 2025 [Baishakhi Bhattacharyya (Chatterjee) & Ors. Vs. Shri Binod Kumar, The Principal Secretary, Department of School Education &

Ors.] vide judgment dated 7th May, 2025 made certain observation in paragraph 56 which is as follows :-

“56. In view of such directions contained in the order dated April 17, 2025, it would be safe to infer that, the Hon’ble Supreme Court is still in seisin of non-compliance of the directions, if there be any.”

6) It is true that for implementation of directions as contained in the judgment and order of the Hon’ble Division Bench subsequent writ petition is maintainable but in the present case it appears that judgment of the Hon’ble Division Bench dated 22nd April, 2024 merged with the judgment of the Hon’ble Supreme Court dated 3rd April, 2025. Moreover, it has been observed by the Hon’ble Division Bench in paragraph 56 of the judgment dated 7th May, 2025 while dismissing contempt application that Hon’ble Supreme Court is still in seisin of non-compliance of the directions, if there be any.

7) In view of aforesaid scenario, present writ petition seeking implementation of the direction made by the Hon’ble Division Bench in paragraph 363(iii) in the judgment dated 22nd April, 2024 is not maintainable.

8) Hence, writ petition stands dismissed.

9) There shall be no order as to costs.

10) Urgent photostat certified copy of this judgment, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

Court. 18
Item No.11 (D/L)
(Suvendu)