

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. 13480 of 2025

IA No. CAN 1 of 2025

Rajesh Das & Ors

-vs-

The The State of West Bengal & Ors.

With

W.P.A. 13584 of 2025

Rajkumar Pradhan

-vs-

The The State of West Bengal & Ors.

For the Petitioners : Mr Kamalesh Bhattacharya
(WPA No. 13480 of 2025) Mr. Aninda Bhattacharya

For the Petitioner : Mr. Bidhan Biswas
(WPA 13584 of 2025)

For the State : Mr. Supriyo Chattopadhyay
(WPA 13584 of 2025) Mr. Manoj Kumar Mondal

For the State : Mr. Dipanjan Dutta
(WPA No. 13480 of 2025) Ms. Sukanya Datta

For the Applicant : Mr. Sakti Pada Jana
CAN 1 of 2025 Mr. Subhajyoti Das

Heard on : 06.08.2025

Judgment on: 06.08.2025

Saugata Bhattacharyya, J.:

1. Affidavit of service filed by the petitioner in connection with WPA 13584 of 2025 is taken on record.
2. In terms of previous order dated 16th July, 2025 supplementary affidavit is filed today and same is taken on record.
3. Petitioners being the Secretary and President of Managing Committee of Chandra High School, Paschim Medinipur (hereinafter referred to as the 'said school') have questioned memo dated 16th April, 2025 whereby District Inspector of Schools (SE) Paschim Medinipur being respondent no. 3 postponed date of interview for the post of Assistant Headmaster in the said school after fixing the date of interview on 17th April, 2025 vide memo dated 19th March, 2025.
4. Mr. Kamallesh Bhattacharya, learned counsel representing the petitioners submits previously a writ petition was filed being WPA 29420 of 2024 which was disposed of by this Court by passing order dated 25th February, 2025. In terms of the said order dated 25th February, 2025 respondent no. 3 was directed to fix date of interview for the post of Assistant Headmaster in

the said school within a specified time. It was also observed in the said order that said school authority shall publish notice granting adequate opportunity to all the eligible teachers to participate in the interview which was to be fixed by the respondent no. 3. It is further contended in terms of the order dated 25th February, 2025 date of interview was fixed by the respondent no. 3 vide memo dated 19th March, 2025 on 17th April, 2025 and subsequently steps were taken by the said school authority by issuing notice to all the teaching staff providing them opportunity to participate in the selection process. Suddenly one day before the interview on 16th April, 2025 respondent no. 3 postponed the interview on 17th April, 2025. It is submitted on behalf of the petitioners that once date of interview was fixed in terms of the order of this Court dated 25th February, 2025 on 17th April, 2025 same cannot be postponed abruptly on the plea that respondent no. 3 was authorized to supervise the selection process. It is also contended that the reasons assigned in memo dated 16th April, 2025 postponing interview on 17th April, 2025 are not tenable. In

response to memo dated 16th April, 2025 a letter was submitted by the teacher-in-charge of the said school before the respondent no. 3 on 16th April, 2025 clarifying the queries raised in memo dated 16th April, 2025.

5. Writ petition being WPA 13584 of 2025 is filed by a teacher who participated in the interview on 17th April, 2025 and has made a prayer for giving effect to the panel prepared based on said interview.
6. An application is also taken out being CAN 1 of 2025 by one eligible teacher wherein it is alleged that the applicant could not participate in the interview on 17th April, 2025 since he was called by the Deputy Secretary, West Bengal Council of Higher Secondary Education, Midnapore Regional Office vide memo dated 16th April, 2025 to attend Midnapore Regional Office on 17th April, 2025 at 11.30 am for some confidential work in connection with Higher Secondary Examination, 2025. Applicant in CAN 1 of 2025 prays for direction which would permit him to participate in the interview.
7. State respondents are represented by Mr. Supriyo Chattopadhyay, learned Additional Government Pleader

who submits that reason for issuing impugned memo dated 16th April, 2025 postponing date of interview on 17th April, 2025 was supervisory power given to the respondent no. 3 by this Court vide order dated 25th February, 2025 passed in WPA 29420 of 2024. It is also submitted that respondent no. 3 found it expedient to postpone the interview due to certain queries made in the said memo dated 16th April, 2025 in order to ensure transparent and fair selection process.

8. This Court passed order on 25th February, 2025 directing respondent no. 3 to fix date of interview within a specified time for filling up the post of Assistant Headmaster in the said school. Direction was also given upon the said school authority to provide adequate opportunity to the eligible teachers working in the said school to offer their candidature and respondent no. 3 was directed to supervise the entire selection process.
9. Purpose of conferring supervisory power upon the respondent no. 3 was to ensure due observance of the relevant Recruitment Rules and conducting fair selection process.

10. In terms of the order dated 25th February, 2025 when respondent no. 3 fixed the date of interview vide memo dated 19th March, 2025 on 17th April, 2025 and taking note of the fact that said school authority issued notices to all the teaching staff of the school thereby extending due opportunity to the eligible teachers to offer their candidature it is found not proper on the part of respondent no. 3 to postpone interview scheduled on 17th April, 2025 by issuing impugned memo on 16th April, 2025, just 24 hours before, when all preparations were complete from the end of the said school authority to conduct interview. It transpires that respondent no. 3 has misread the observation made in order dated 25th February, 2025 permitting the said respondent to supervise the selection process and took such steps vide memo dated 16th April, 2025 which was not warranted. Only requirement was fixation of date by the respondent no. 3 in terms of order dated 25th February, 2025 for holding interview and to see whether eligible candidates were given due opportunity or not by issuance of notice by the said school authority prior to holding such interview. It also appears that said school

authority vide letter dated 16th April, 2025 clarified in response to impugned memo dated 16th April, 2025 that none of the ten teachers who applied for the post of Assistant Headmaster was appointed based on selection process i.e. 1st State Level Selection Test, 2016.

11. Hence, memo dated 16th April, 2025 stands set aside. However, panel which was prepared based on interview dated 17th April, 2025 ought not to be given effect to since it is found from the letter dated 16th April, 2025 of the teacher-in-charge that though ten eligible candidates applied for the post of Assistant Headmaster pursuant to notice issued by the school authority but only three candidates participated in the interview held on 17th April, 2025. There might be certain reasons for absence of seven eligible candidates in the interview on 17th April, 2025 but one of the reasons as it is perceived was said impugned memo dated 16th April, 2025. There might have been confusion amongst eligible candidates due to said memo dated 16th April, 2025 whereby respondent no. 3 postponed the interview scheduled on 17th April, 2025. Furthermore, as per norms Selection Committee is required to prepare a panel of three

candidates where only three candidates participated in the interview on 17th April, 2025.

12. In view of aforesaid situation this Court finds it apt to direct the said school authority to hold interview again for ensuring due participation of all the eligible teachers working in the said school.
13. Respondent no. 3 is directed to notify date of interview within seven days from date thereby fixing date of interview within 30 (thirty) days thereafter. After the date is to be notified by the respondent no. 3 said school authority shall give due notice in advanced to all the eligible candidates as it was done on earlier occasion. Based on fixation of date by the respondent no. 3 interview shall be held on the scheduled date and selection committee/ school authority shall submit the panel before the respondent no. 3 for approval in accordance with law.
14. With the aforesaid observations and directions both the writ petitions being WPA 13480 of 2025 and WPA 13584 of 2025 and application being CAN 1 of 2025 stand disposed of.

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

(Saugata Bhattacharyya, J.)

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