

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. 12929 of 2025

CAN 1/2025

Arpita Pramanik

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 12933 of 2025

CAN 1/2025

Suchanda Pal

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 12934 of 2025

CAN 1/2025

Babita Sultana

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 13252 of 2025

CAN 1/2025

Chamali Naskar

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 13805 of 2025

CAN 1/2025

Pinky Santikary
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13807 of 2025
CAN 1/2025

Swagata Ghosh
-vs-
The Stat of West Bengal & Ors.
with

W.P.A. 13814 of 2025
CAN 1/2025

Ealarn Narjinary
-vs-
The Stat of West Bengal & Ors.
with

W.P.A. 13816 of 2025
CAN 1/2025

Bikramjit Pal
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13817 of 2025
CAN 1/2025

Pia Barua
-vs-
The Stat of West Bengal & Ors.
with

W.P.A. 13818 of 2025
CAN 1/2025

Swagata Barman
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13823 of 2025

CAN 1/2025

Sanchita Soren

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13828 of 2025

CAN 1/2025

Jyotish Mahato

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13833 of 2025

Bikash Mandal

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13836 of 2025

CAN 1/2025

Papiya Mondal

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13838 of 2025

CAN 1/2025

Amrita Bose

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 13846 of 2025

CAN 1/2025

Arghya Nayek
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13850 of 2025
CAN 1/2025

Gayatri Saha
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13851 of 2025
CAN 1/2025

Rupa Ghosh
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13872 of 2025
CAN 1/2025

Priyanka Roy
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13873 of 2025

Tuya Ghosh
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13875 of 2025
CAN 1/2025

Baishakhi Ghosh
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 13878 of 2025

CAN 1/2025

Tapas Santra

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13879 of 2025

CAN 1/2025

Taniya Ghosh

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 13881 of 2025

CAN 1/2025

Babusona Hembram

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 13885 of 2025

CAN 1/2025

Sujata Saha

-vs-

The Stat of West Bengal & Ors.

with

W.P.A. 13886 of 2025

CAN 1/2025

Mousumi Panja

-vs-

The Stat of West Bengal & Ors.

With

W.P.A. 14275 of 2025

Moumita Datta
-vs-
The Stat of West Bengal & Ors.
with

W.P.A. 14277 of 2025

Sanchita Ghosh
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 14425 of 2025

Shauli Sadhya
-vs-
The Stat of West Bengal & Ors.
With

W.P.A. 14427 of 2025

Sonali Mondal
-vs-
The Stat of West Bengal & Ors.
with

W.P.A. 17096 of 2025

Saila Sultana
-vs-
The Stat of West Bengal & Ors.

For the Petitioners
(Except WPA 14275/2025
& WPA 14277/2025)

: Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas

For the Petitioners
(In WPA 14275/2025
& WPA 14277/2025)

: Mr. Atanu Biswas
Mr. Mrinal Saha

For the WBCSSC

: Dr. Sutanu Kumar Patra
Mr. Kanak Kiran Bandyopadhyay
Mr. Sunit Kumar Roy
Ms. Supriya Dubey

For the WBBSE

: Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

For the State

: Mr. Pinaki Dhole
Mr. Avishek Prasad (In WPA 12929/2025)
Mr. Arindam Chattopadhyay
Ms. Lipika Chatterjee (In WPA 13836/2025
& WPA 12933 of 2025)
Mr. Sahabuddin Sardar
Mr. Murari Chakraborty
Ms. Sumita Sen (In WPA 12934/2025)
Mr. Amitava Chaudhuri (In WPA 13252/2025)
Mr. K.M. Hossain
Mr. Varun Raj Tiwari (In WPA 13807/2025)
Mr. Parikshit Goswami (In WPA 13814/2025)
Mr. Pradip Kumar Mondal
Mr. Artira Ghosh (In WPA 13816/2025)
Mr. Sougata Mitra
Mr. Nikhil Kumar Gupta (In WPA 13817/2025)
Mr. Subhendu Bandyopadhyay
Mr. Arindam Mitra (In WPA 13818/2025)
Ms. Piyali Sengupta
Ms. Tuli Sinha (In WPA 13823/2025
& WPA 13879/2025)
Mr. Shibasish Banerjee (In WPA 13828/2025)
Ms. Rupsha Chakraborty
Ms. Tuhina Parvin (In WPA 13833/2025)
Mr. M.P. Chakraborty
Ms. Dipannita Laha (In WPA 13838/2025)
Mr. Himadri Sikdar (In WPA 13850/2025)
Ms. Mousumi Halder Choudhury
Ms. Subhashri Chatterjee (In WPA 13851/2025)
Mr. Mohan Kumar Sanyal..... (In WPA 13872/2025)
Mr. Jahar Datta
Mr. Bipin Ghosh (In WPA 13873/2025)
Mr. Jahar Dutta
Mr. Sandip Chattopadhyay (In WPA 13878/2025)
Ms. Mousumi Banerjee (In WPA 13881/2025)
Mr. Susanta Pal
Ms. Ananya Neogi (In WPA 13885/2025)
Mr. Dipanjan Datta
Ms. Sukanya Datta (In WPA 13886/2025)
Ms. Noelle Banerjee (In WPA 14275/2025)
Mr. Gourav Das
Mr. Biman Halder (In WPA 14277/2025)
Mr. Supriya Chattopadhyay
Mr. Manoj Kr. Mondal (In WPA 14425/2025)

Mr. K. J. Yusuf
Ms. Susmita Sen (In WPA 14427/2025)
Mr. Shamim Ul Bari
Mr. Hare Krishna Halder (In WPA 17096/2025)

Heard on : 12.08.2025

Judgment on : 12.08.2025

SAUGATA BHATTACHARYYA, J.:

- 1) All the writ petitions are taken up together for consideration since common issue is involved.
- 2) Affidavits of service filed on behalf of the petitioners are taken on records.
- 3) Affidavits-in-Opposition filed on behalf of the West Bengal Central School Service Commission (for short, “Commission”) are also taken on records.
- 4) Petitioners participated in two selection processes, namely, 1st State Level Selection Test, 2016 for Classes IX-X and XI-XII and also 1st State Level Selection Test, 2016 (Upper Primary) for being appointed as Assistant Teachers in upper primary level of classes.
- 5) It needs to be recorded herein in view of submission made on behalf of the petitioners that petitioners were selected in both the selection processes for being counseled in order to offer job of Assistant Teacher in Classes IX-X and XI-XII in connection with

1st SLST, 2016 and Upper Primary Level of Classes in connection with 1st SLST, 2016 (Upper Primary).

6) Petitioners opted to be appointed as Assistant Teachers in secondary/higher section of Government aided recognized schools since according to the petitioners it was better opportunity for them to work as Assistant Teachers in secondary/higher section rather than working in Upper Primary Level of Classes as that would have been beneficial in terms of payment of salaries and other emoluments.

7) The selection process i.e. 1st SLST, 2016 for Classes IX-X and XI-XII has been set aside by the Hon'ble Supreme Court vide judgment 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) & Ors.)**.

Petitioners have approached this Court with these writ petitions in order to permit them to participate in the counseling process being eligible candidates for being selected for the post of Assistant Teacher in upper primary level of classes in view of petitioners' participation in 1st SLST, 2016 (Upper Primary).

8) It is submitted on behalf of the petitioners that all the petitioners are empanelled candidates. Panel was prepared after conducting personality test by the Commission. On behalf of the Commission it is submitted that total 14052 candidates were

selected based on preparation of panel and waitlist. Petitioners come within these 14052 candidates.

9) It is contended on behalf of the petitioners if without diluting merit petitioners come within the zone of consideration they may be permitted to participate in the counseling. According to the petitioners, if they are not permitted to participate in counseling subsequent to 8th round which was held on 1st August, 2025 their fate in connection with 1st SLST (Upper Primary) will be sealed forever.

10) In this regard, reliance is placed on an order dated 9th June, 2025 passed in a writ petition being **WPA 9980 of 2025 (Mukti Biswas Vs. State of West Bengal & Ors.)**. Reliance is also placed on the order of a coordinate Bench dated 30th July, 2025 passed in **WPA 9301 of 2025 (Sukumar Singh & Ors. Vs. The State of West Bengal & Ors.)**.

11) Learned advocates representing the Commission opposes the prayer of the petitioners to allow them to participate in the counseling in connection with 1st SLST, 2016 (Upper Primary) since petitioners in spite of being permitted to participate in the previous rounds of counseling did not turn up. It is also submitted that at this stage if petitioners are permitted to participate in the counseling and if they come within the zone of consideration that would make the entire process unsettled.

12) Another limb of submission made on behalf of the Commission is based on order passed by the Hon'ble Division Bench dated 8th August, 2025 in contempt proceeding being **CPAN 589 of 2025 (Susanta Ghosh Vs. Mr. Siddhartha Majumdar & Anr.)**. According to the Commission, it was pointed out before the Hon'ble Division Bench that though there were 5401 vacancies available against 1241 candidates but there is mismatch of vacancies considering category of candidates who would participate in the next round of counseling. It is also submitted that there are altogether 14052 candidates whose names featured in panel and waitlist prepared after personality test and they are required to be given opportunity to participate in counseling. Once petitioners who were part of 14052 candidates in spite of giving opportunity remained absent in earlier rounds of counseling, their right of participation in counseling gets extinguished.

13) First before considering the issue raised in these writ petitions, this Court needs to find out whether petitioners are untainted candidates or not in connection with the selection process of 1st SLST, 2016 for Classes IX-X and XI-XII since in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 tainted candidates have no right to offer their candidature in upcoming selection process.

14) In this regard, it is submitted on behalf of the petitioners that they have been permitted to continue as Assistant Teachers till 31st December, 2025 which goes to show that till date petitioners have not been identified as tainted candidates in connection with 1st SLST, 2016 for Classes IX-X and XI-XII.

15) This Court needs to consider the issue in view of special facts and circumstances where petitioners have lost job since entire selection process i.e. 1st SLST, 2016 for Classes IX-X and XI-XII has been set aside by the Hon'ble Supreme Court vide judgment dated 3rd April, 2025.

16) It needs to be taken into consideration that petitioners also participated in 1st SLST, 2016 for upper primary level of classes and were selected but they did not participate in the previous rounds of counseling since at the material point of time petitioners were working as Assistant Teachers in secondary/higher section on being selected in the selection process i.e. 1st State Level Selection Test, 2016 for Classes IX-X and XI-XII. Subsequently, petitioners have lost job after the said selection process has been declared illegal which triggered the present writ petitions and prayer is made to permit them to participate in the counseling process.

17) Since petitioners are amongst 14052 empanelled candidates in connection with 1st SLST, 2016 (Upper Primary) this Court does not find any impediment in permitting them to

participate in upcoming counseling and that would not be contrary to the order passed by the Hon'ble Division Bench in contempt proceeding being **CPAN 589 of 2025**. Moreover, by permitting the petitioners to participate in the counseling merit will not be diluted and such participation in the counseling shall be subject to availability of matching vacancies.

18) In view of aforesaid scenario, concerned authority of the Commission is directed to permit the petitioners to participate in the counseling which is to be organized by the Commission if petitioners come within the zone of consideration in terms of merit position in the select list and if petitioners are not tainted candidates.

19) The concerned authority of the Commission at the time of counseling shall verify credentials of the petitioners.

20) With the aforesaid observation and directions, all the writ petitions and connected applications are disposed of.

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

(Saugata Bhattacharyya, J.)