

Form No. J(2)
Item No. DL / 29
ARPAN – A.R.(CT)

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

W.P.A. NO 13956 OF 2025

SWARNALI BHATTACHARJEE

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner	: Mr. Soumya Majumder, Sr. Adv. Mr. Vishak Bhattacharya, Adv. Mrs. Ruchira Chatterjee, Adv. Ms. Biyanka Bhattacharya, Adv.
For the State	: Ms. Rumi Chakraborty, Adv. Mr. Soumadip Chakraborty, Adv.
For the WBCSSC	: Dr. Sutanu Kumar Patra, Adv. Ms. Supriya Dubey, Adv.
For the WBBSE	: Ms. Koyeli Bhattacharyya, Adv.
Heard On	: 05.08.2025
Judgment On	: 05.08.2025

SAUGATA BHATTACHARYYA, J.:

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

2. Petitioner participated in the 1st State Level Selection Test, 2016 for classes IX-X as well as in 1st State Level Selection Test, 2016 for upper primary level of classes.
3. Mr. Majumder, learned Senior Advocate representing the petitioner submits that she was selected in 1st SLST, 2016 for classes IX-X and on being recommended by the West Bengal Central School Service Commission (hereinafter referred to as '*Commission*') she joined the post of Assistant Teacher in secondary section of a Government aided school.
4. It is also submitted on behalf of the petitioner that in 1st SLST, 2016 (Upper Primary) petitioner participated upto the stage of verification of testimonials and marks awarded to the petitioner was above the cut-off marks fixed in the category under which petitioner offered her candidature. It is also contended that petitioner was not allowed to participate in the personality test in connection with 1st SLST, 2016 (Upper Primary). However, petitioner did not pursue remedy in connection with 1st SLST, 2016 (Upper Primary) after she was not allowed to participate in the personality test since at the material point of time she was working as Assistant Teacher for classes IX-X in another school.
5. Petitioner lost her job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in civil appeal arising out of ***Special Leave Petition (Civil) No.9586 of 2024 (State of West Bengal vs.***

Baishakhi Bhattacharyya (Chatterjee) & Ors.) Petitioner now prays for direction upon the Commission which would permit her to participate in the personality test for being selected in 1st SLST, 2016 (Upper Primary).

6. State respondents, West Bengal Central School Service Commission and West Bengal Board of Primary Education are represented by learned advocates.
7. Dr. Patra, learned advocate representing the Commission submits that personality test in connection with 1st SLST, 2016 (Upper Primary) was held in 2021-2022 in terms of the order of the Hon'ble Division Bench. It is also submitted that selection process of 1st SLST, 2016 (Upper Primary) is almost complete and 8th round of counselling was conducted on 1st August, 2025. Therefore, according to the Commission if at this stage petitioner is permitted to participate in the personality test in connection with 1st SLST, 2016 (Upper Primary), that would unsettle the selection process where 8th round of counselling is over.
8. Having considered the respective submissions made on behalf of the parties this Court finds that it is true the petitioner has lost job in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in **Baishakhi Bhattacharyya (Chatterjee) (supra)** and at the material point of time when personality test was conducted in connection with 1st SLST, 2016 (Upper Primary), petitioner was working in a school for higher classes.

9. It is also submitted on behalf of the petitioner that she was allotted marks higher than the cut-off marks in the category under which she offered candidature and she had a fair chance to be empanelled if she participated in the personality test.
10. However, fact remains petitioner did not participate in the personality test in connection with 1st SLST, 2016 (Upper Primary) which was held far back in 2021-2022.
11. If today Court accepts the contention of the petitioner and directs the concerned authority of the Commission to conduct personality test for the petitioner at the stage when selection process, i.e., 1st SLST, 2016 (Upper Primary) is almost complete, it would unsettle the entire selection process that would lead to a topsy-turvy situation. Once a candidate does not participate in the personality test his/ her right to be considered for appointment on being empanelled is withered away.
12. Hence, at this stage no relief can be granted to the petitioner.
13. Writ petition stands dismissed.
14. However, there shall be no order as to costs.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)