

Form No. J(2)
Item No. DL / 08
Suwendu – A.R.(CT)

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

W.P.A. NO 14068 OF 2025

DALIA BANERJEE & ORS.

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Ashis Kumar Chowdhury Mr. Babhru Bahan Bera Mr. Sudip Jana
For the State	: Mr. Himadri Sikhar Chakraborty Ms. Susnita Saha
For the WBCSSC	: Dr. Sutanu Kumar Patra Ms. Supriya Dubey
For the WBBSE	: Ms. Koyeli Bhattacharyya
Heard On	: 07.08.2025
Judgment On	: 07.08.2025

SAUGATA BHATTACHARYYA, J.:

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

2. Documents filed in support of petitioners' putting in deficit court fees are also taken on record.

3. Petitioners participated in the 1st State Level Selection Test, 2016 for classes IX-X and XI-XII as well as in 1st State Level Selection Test, 2016 for upper primary level of classes.

4. Learned advocate representing the petitioners submits that petitioners were selected in 1st SLST, 2016 for classes IX-X and XI-XII and on being recommended by the West Bengal Central School Service Commission (hereinafter referred to as '*Commission*') they joined the post of Assistant Teacher in secondary/ higher section of Government aided schools.

5. It is also submitted on behalf of the petitioners that in 1st SLST, 2016 (Upper Primary) petitioners participated upto the stage of verification of testimonials and marks awarded to the petitioners were above the cut-off marks fixed in the category under which petitioners offered their candidature. It is also contended that petitioners were not allowed to participate in the personality test in connection with 1st SLST, 2016 (Upper Primary) since they were at the material point of time working as Assistant Teachers. By preferring representations in the year 2025 it is also alleged by the petitioners that they were not permitted to participate in the interview. However, petitioners did not pursue remedy in connection with 1st SLST, 2016 (Upper

Primary) after they were not allowed to participate in the personality test since at the material point of time they were working as Assistant Teachers for classes IX-X and XI-XII in other schools.

6. Petitioners lost 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.)***. Petitioners now pray for direction upon the Commission which would permit them to participate in the personality test for being selected in 1st SLST, 2016 (Upper Primary).

7. In support of case made out in the writ petition, reliance is placed on the order of the Hon'ble Division Bench dated 3rd October, 2024 passed on an intra-court appeal being **FMA 734 of 2024 (Sankar Das Vs. The State of West Bengal & Ors.)**.

8. State respondents, West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by learned advocates.

9. 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 petitioners are 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.

10. Having considered the respective submissions made on behalf of the parties, this Court finds that it is true the petitioners have 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), petitioners were working in other schools for higher classes.

11. It is also submitted on behalf of the petitioners that they were allotted marks higher than the cut-off marks in the category under which they offered candidature and they had a fair chance to be empanelled if they participated in the personality test.

12. It needs to be recorded herein that submission made on behalf of the petitioners relating to awarding higher than cut-off marks in their favour is disputed by learned advocate

representing the Commission. It is submitted on behalf of the Commission that whether petitioners obtained marks higher than the cut-off marks under the relevant category, is required to be verified.

13. 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.

14. On perusal of the order dated 3rd October, 2024 passed in **Sankar Das** (supra), it appears that same is not applicable in the present case since it was decided therein that before completion of exercise by the administrative authorities in terms of rules relating to transfer of teachers Court should not assess the reasons based on which transfer application was made by the applicant-teacher. In contra-distinction to the said facts, in the present case Court is considering when 1st SLST, 2016 (Upper Primary) is on the verge of completion and 8th round of counselling is over whether the Commission is required to initiate selection process again from the stage of personality test in order to accommodate the petitioners since they have lost job pursuant to the judgment of the Hon'ble Supreme Court dated 3rd April, 2025.

15. If today Court accepts the contention of the petitioners and directs the concerned authority of the Commission to

conduct personality test for the petitioners 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.

16. Hence, at this stage no relief can be granted to the petitioners.

17. Writ petition stands dismissed.

18. However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)