

**WPA 14539 of 2025**

**Barun Mahato  
Vs.  
The State of West Bengal & Ors.**

Mr. Sudipta Dasgupta  
Mr. Sandwip Sutradhar  
...for the petitioner  
Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey  
...for the WBCSSC  
Ms. Koyeli Bhattacharyya  
Mr. Bibek Dutta  
...for the WBBSE

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Petitioner participated in 1<sup>st</sup> State level Selection Test, 2016 for classes IX and X and was selected to be appointed as assistant teacher. Based on recommendation issued by the West Bengal Central School Service Commission (for short 'Commission') petitioner joined the post of assistant teacher for classes IX and X in a secondary school.
3. Petitioner ultimately lost job in terms of the judgment of the Hon'ble Supreme Court dated 3<sup>rd</sup> April, 2025 passed on an appeal arising out of Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal Vs. Baisakhi Bhattacharyya (Chatterjee) & Ors.).

4. Petitioner simultaneously participated in 1<sup>st</sup> State Level Selection Test, 2016 (Upper Primary). Petitioner participated upto the stage of personality test and was empanelled for participating in counseling.
5. In support of such submission reliance is placed on page 57 of the writ petition in order to demonstrate that petitioner is an empanelled candidate in connection with 1<sup>st</sup> State Level Selection Test, 2016 (Upper Primary) for participation in counseling.
6. However, petitioner at the material point of time did not participate in the counseling since he was working as an assistant teacher for classes IX and X in a secondary school. After losing job in terms of the judgment of the Hon'ble Supreme Court dated 3<sup>rd</sup> April, 2025 petitioner has approached this Court with this writ petition thereby seeking direction which would permit him to participate in the counseling to be conducted by the Commission in order to accommodate similarly circumstanced other candidates. Reliance is placed on the order dated 9<sup>th</sup> June, 2025 passed on a writ petition being WPA 9980 of 2025 (Mukti Biswas Vs. The State of West Bengal & Ors.).

7. Having considered the issue involved in this writ petition this Court finds ratio of Mukti Biswas (supra) is applicable in the present case.
8. Concerned authority of the Commission is directed to permit the petitioner to participate in the next counseling in connection with 1<sup>st</sup> State Level Selection Test, 2016 (Upper Primary) if petitioner comes within the zone of consideration in terms of his merit position in the list subject to availability of vacancy and if petitioner is not tainted candidate.
9. Concerned authority of the Commission at the time of counseling shall verify the credentials of the petitioner.
10. Considering the issue involved in this writ petition, this Court finds no purpose would be sub-served in keeping this writ petition pending.
11. Writ petition stands disposed of.
12. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**