

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

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

**W.P.A. NO 14866 OF 2025**

**MOUPALI AICH**  
**VS.**  
**THE STATE OF WEST BENGAL & OTHERS**

**CORAM: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA**

For the Petitioners : Mr. Ashis Kumar Chowdhury  
Mr. Babhru Bahan Bera  
Mr. Avishek Chatterjee  
Mr. Sudip Jana

For the State : Mr. Dipanjan Datta  
Ms. Sukanya Datta

For the WBCSSC : Mr. Dr. Sutanu Kumar Patra  
Ms. Supriya Dubey

For the WBBSE : Ms. Koyeli Bhattacharyya

Heard On : 13.08.2025

Judgment On : 13.08.2025

**SAUGATA BHATTACHARYYA, J.:**

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

2. Petitioner participated in the 1<sup>st</sup> State Level Selection Test, 2016 for classes IX-X as well as in 1<sup>st</sup> State Level Selection Test, 2016 for upper primary level of classes.

3. Learned advocate representing the petitioner submits that petitioner was selected in 1<sup>st</sup> 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 Government aided school.

4. It is also submitted on behalf of the petitioner that in 1<sup>st</sup> 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 1<sup>st</sup> SLST, 2016 (Upper Primary) since she was at the material point of time working as Assistant Teacher. By preferring representation in the year 2025 it is also alleged by the petitioner that she was not permitted to participate in the interview. However, petitioner did not pursue remedy in connection with 1<sup>st</sup> 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 job in terms of the judgment of the Hon'ble Supreme Court dated 3<sup>rd</sup> 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 1<sup>st</sup> SLST, 2016 (Upper Primary).

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

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

8. Dr. Patra, learned advocate representing the Commission submits that personality test in connection with 1<sup>st</sup> 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 1<sup>st</sup> SLST, 2016 (Upper Primary) is almost complete and 8<sup>th</sup> round of counselling was conducted on 1<sup>st</sup> August, 2025. Therefore, according to the Commission, if at this stage petitioner is permitted to participate in the personality test in

connection with 1<sup>st</sup> SLST, 2016 (Upper Primary) that would unsettle the selection process where 8<sup>th</sup> round of counselling is over.

9. 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 3<sup>rd</sup> April, 2025 passed in ***Baishakhi Bhattacharyya (Chatterjee)*** (*supra*) and at the material point of time when personality test was conducted in connection with 1<sup>st</sup> SLST, 2016 (Upper Primary), petitioner was working in another school for higher classes.

10. 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.

11. It needs to be recorded herein that submission made on behalf of the petitioner relating to awarding higher than cut-off marks in her favour is disputed by learned advocate representing the Commission. It is submitted on behalf of the Commission that whether petitioner obtained marks higher than the cut-off marks under the relevant category, is required to be verified.

12. Fact remains petitioner did not participate in the personality test in connection with 1<sup>st</sup> SLST, 2016 (Upper Primary) which was held far back in 2021-2022.

13. On perusal of the order dated 3<sup>rd</sup> 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 1<sup>st</sup> SLST, 2016 (Upper Primary) is on the verge of completion and 8<sup>th</sup> 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 petitioner since she has lost job pursuant to the judgment of the Hon'ble Supreme Court dated 3<sup>rd</sup> April, 2025.

14. 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., 1<sup>st</sup> 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.

15. Hence, at this stage no relief can be granted to the petitioner.

16. Writ petition stands dismissed.

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

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

**(Saugata Bhattacharyya, J.)**