

Form No. J(2)
Item No. DL / 182
ARPAN – A.R.(CT)

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

W.P.A. No.15445 of 2025

Mahidur Alam

Vs.

The State of West Bengal & Others

Before: The Hon'ble Justice Saugata Bhattacharyya

For the Petitioner : Mr. Sudipta Das Gupta, Adv.
Mr. Ritwik Basu, Adv.

For the W.B.C.S.S.C. : Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.

Heard On : 18.07.2025

Judgment On : 18.07.2025

Saugata Bhattacharyya, J.:

1. Affidavit-of-service filed on behalf of the petitioner is taken on record.
2. Petitioner being a fresh candidate is desirous to apply in the ensuing selection process in terms of recruitment notification dated 30th May, 2025 issued under memo no.1092/7016/CSSC/ESTT/2025. Petitioner

was a student of Philosophy honours in Raiganj University and has completed the honours course. However, petitioner is willing to apply for being appointed as Assistant Teacher of History in classes IX and X in a secondary school based on said recruitment notification dated 30th May, 2025. Petitioner is not permitted to submit application for offering his candidature in terms of said recruitment notification dated 30th May, 2025 due to clarification given in Second Note under Schedule - I of the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper Primary Level of Classes [except Work Education and Physical Education] Classes IX-X and Classes XI-XII) Rules, 2025 (hereinafter referred to as '*said Rules of 2025*').

3. Schedule - I of said Rules of 2025 prescribes requisite educational qualification for participation in the ensuing recruitment process in terms of recruitment notification dated 30th May, 2025. Second Note under Schedule - I prescribes a candidate applying for a subject must have passed at least the graduation level examination with a minimum of 300 full marks in the relevant or concerned subject or post graduate examination in the concerned or relevant subject.
4. Petitioner studied History as 'Generic Elective' subject along with Philosophy honours course under Raiganj University which carries 240 marks not 300 marks.

5. Mr. Das Gupta, learned advocate representing the petitioner submits History was petitioner's combination subject and he has completed honours graduate course from Raiganj University which is a State recognized and aided university. Therefore, petitioner needs to be permitted to participate in the ensuing recruitment process in terms of recruitment notification dated 30th May, 2025, if necessary by relaxing the conditions stipulated in Second Note under Schedule - I which prescribes a candidate needs to pass examination at graduation level with a minimum of 300 marks in the relevant or concerned subject.
6. Dr. Patra, learned advocate representing the West Bengal Central School Service Commission has opposed the prayer of the petitioner first on the count that relevant note under Schedule - I of the said Rules of 2025 has not been questioned in this writ petition. It is further submitted in reference to a document at page 41 of the writ petition that petitioner did not study History as a combination subject which the University has termed 'Elective Course' rather petitioner studied History as 'Generic Elective' subject.
7. Taking note of the submissions made on behalf of the parties it transpires that Second Note under Schedule - I specifies requirement of passing examination at the graduation level in a particular subject with minimum of 300 marks and only then a candidate is eligible to offer candidature by submitting application for being appointed as Assistant Teacher in the said subject for classes IX and X.

8. In the present case, indisputably petitioner studied History as 'Generic Elective' subject which carries 240 marks (60 marks x 4 Papers = 240) not 300 marks. It further appears from the said document at page 41 of the writ petition that had petitioner studied History under 'Elective Course' then petitioner could have studied History which carries 480 marks (60 marks x 8 Papers = 480). Stipulation made by the University in the Grade Card which is at page 77 of the writ petition also denotes that petitioner studied 'History' as 'Generic Elective' subject (HISGE – 4).
9. If by relaxing the yardstick as fixed by West Bengal Central School Service Commission *vide* Second Note under Schedule I, petitioner is permitted to participate in the recruitment process in terms of recruitment notification dated 30th May, 2025, that would cause in justice to other candidates who are not being permitted to participate in the said recruitment process having not studied the relevant subject which carries 300 marks at the graduation level. Therefore, prayer of the petitioner cannot be countenanced.
10. Moreover, it needs to be recorded herein that petitioner has not challenged the relevant part of said rules of 2025.
11. With the above observations writ petition stands dismissed.
12. However, there shall be no order as to costs.

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

(Saugata Bhattacharyya, J.)