

**Form No. J(2)**

**Item No. DL / 8**

*ARPAN – A.R.(CT)*

## **IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction

(Appellate Side)

**W.P.A. NO 16115 OF 2025**

**CHAND MAHAMMAD**

**VS.**

**THE STATE OF WEST BENGAL & OTHERS**

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

|                      |                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------|
| For the Petitioner   | : Mr. Ashis Kumar Chowdhury, Adv.<br>Mr. Avishek Chatterjee, Adv.<br>Mr. Sudip Jana, Adv. |
| For the State        | : Mr. Suman Dey, Adv.<br>Mr. Sabyasachi Bhattacharya, Adv.                                |
| For the WBCSSC       | : Dr. Sutanu Kumar Patra, Adv.<br>Ms. Supriya Dubey, Adv.                                 |
| For the WBBSE        | : Ms. Koyeli Bhattacharyya, Adv.<br>Mr. Bibek Dutta, Adv.                                 |
| Hearing Concluded On | : 21.08.2025                                                                              |
| Judgment On          | : 21.08.2025                                                                              |

**SAUGATA BHATTACHARYYA, J.:**

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-X and also in 1<sup>st</sup> State Level Selection Test, 2016 for upper primary level of classes in connection with Work Education and Physical Education for being appointed as Assistant Teacher. Petitioner got selected in both the selection processes but decided to accept appointment in connection with petitioner's participation in 1<sup>st</sup> SLST, 2016 for classes IX-X. Therefore, in spite of being recommended for being appointed as Assistant Teacher in connection with 1<sup>st</sup> SLST, 2016 (Upper Primary) for Work Education and Physical Education he did not join the post. Petitioner prays for direction which would permit the petitioner to join the post of Assistant Teacher in Work Education for upper primary level of classes since petitioner has 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(s).9586 of 2024 (State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.)***.
3. Learned advocate representing the petitioner relied upon an order dated 19<sup>th</sup> May, 2022 issued by the Deputy Secretary to the Government of West Bengal whereby decision was taken to create supernumerary posts to accommodate waitlisted candidates in connection with 1<sup>st</sup> SLST, 2016 (Upper Primary) for Work Education and Physical Education. It is submitted that validity of the said order dated 19<sup>th</sup> May, 2022 issued by the Deputy Secretary is still under consideration before

a Co-ordinate Bench. Therefore, it is not a case that panel which was prepared on completion of 1<sup>st</sup> SLST, 2016 (Upper Primary) for Work Education and Physical Education, expired.

4. State respondents, West Bengal Central School Service Commission and West Bengal Board of Secondary Education are represented by learned advocates.
5. Dr. Patra, learned advocate representing the West Bengal Central School Service Commission submits that petitioner is not waitlisted candidate. Therefore, petitioner is not entitled to get the benefit of the aforesaid order dated 19<sup>th</sup> May, 2022 issued by the Deputy Secretary. Furthermore, it was submitted panel which was prepared in connection with 1<sup>st</sup> SLST, 2016 (Upper Primary) for Work Education and Physical Education expired on 11<sup>th</sup> December, 2019.
6. It appears that petitioner lost job in terms of the judgment dated 3<sup>rd</sup> April, 2025 passed by the Hon'ble Supreme Court in ***Baishakhi Bhattacharyya (Chatterjee) (supra)*** and at the material point of time petitioner did not join the post of Assistant Teacher in Work Education for upper primary level of classes since he was working as an Assistant Teacher for classes IX-X on being selected in 1<sup>st</sup> SLST, 2016 for classes IX-X.
7. Meanwhile panel which was prepared based on 1<sup>st</sup> SLST, 2016 (Upper Primary) for Work Education and Physical Education expired on 11<sup>th</sup> December, 2019. Subsequently, order dated 19<sup>th</sup> May, 2022 was issued

by the Deputy Secretary in order to accommodate waitlisted candidates by creating supernumerary posts. Indisputably petitioner is not a waitlisted candidate.

8. It is trite law that after expiry of the panel candidate losses right to claim appointment being a selected candidate. In this regard reliance is placed on the judgments of the Hon'ble Supreme Court, one reported in **(1996) 9 SCC 309 (State of Uttar Pradesh & Ors. vs. Harish Chandra & Ors.)** and another reported in **(2009) 2 SCC 706 (Girdhar Kumar Dadhich & Anr. vs. State of Rajasthan & Ors.)**.
9. Hence, no relief can be granted to the petitioner.
10. Writ petition stands dismissed.
11. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

**(Saugata Bhattacharyya, J.)**