

Form No. J(2)
Item Nos. DL / 10
Suwendu – A.R.(CT)

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

W.P.A. NO 16549 OF 2025

AVIJIT SADHUKHAN & ORS.

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners : Mr. Ashis Kumar Chowdhury
Mr. Subrata Bhattacharya
Mr. Rohan Paul
Mr. B.B. Bera

For the State : Ms. Tapati Samanta
Mr. Sandip Dasgupta
Mr. Niket Ojha
Ms. Mahima Cholera

For the WBCSSC : Mr. Kalyan Bandyopadhyay
Mr. Biswaroop Bhattacharyya
Ms. Pranati Bandyopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh

For the Board : Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

Heard on : 03.09.2025

Judgment on : 03.09.2025

SAUGATA BHATTACHARYYA, J.:

- 1) Affidavit of service filed on behalf of the petitioners is taken on record.
- 2) In the writ petition 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”) and recruitment notification dated 30th May, 2025 issued by the West Bengal Central School Service Commission (for short, “Commission”) under memo no. 1092/7016/CSSC/ESTT/2025 are questioned.
- 3) Petitioners are untainted and selected candidates in 1st State Level Selection Test, 2016 for Classes IX-X and Classes XI-XII. Issue involved in this writ petition was decided by this Court on a batch of writ petitions first one being **WPA 12505 of 2025 (Sanjoy Kumar Doloi & Anr. Vs. The State of West Bengal & Ors.)** vide judgment dated 7th July, 2025. Judgment delivered in **Sanjoy Kumar Doloi** (supra) was affirmed by the Hon’ble Division Bench vide judgment dated 16th July, 2025 delivered on intra-court appeal being **MAT 1017 of 2025 (Arunima Paul & Ors. Vs. State of West Bengal & Ors.)**. Said judgment dated 16th July, 2025 was carried in appeal before the Hon’ble Supreme Court and **Special Leave to Appeal (C) No. 19222/2025 (Arunima Paul Vs. State of West Bengal & Ors.)**

was dismissed by the Hon'ble Supreme Court vide order dated 21st July, 2025.

4) It needs to be recorded herein that the Hon'ble Supreme Court passed an order on 21st August, 2025 on **Special Leave Petition (Civil) Diary No. 46049 of 2025 (Bibek Paria & Ors. Vs. State of West Bengal & Ors.)** observing that all selected and appointed untainted candidates who were permitted to continue their service till 31st December, 2025, shall be allowed to participate in the fresh selection process, without insisting upon their complying with the newly introduced eligibility criteria of securing 50% minimum marks in graduation and post-graduation under the said Rules of 2025.

5) Petitioners in the present case as it is submitted by learned advocates representing the parties are untainted and selected candidates who were permitted to continue their service till 31st December, 2025 and they got the benefit of the order of the Hon'ble Supreme Court dated 21st August, 2025 passed in **Bibek Paria** (supra). It is also submitted that petitioners have received Admit Cards and they would be permitted to participate in the examination on scheduled dates.

6) Mr. Kalyan Bandyopadhyay, learned Senior Advocate representing the Commission opposes the prayer of the petitioners due to pendency of **Special Leave Petition (Civil) Diary No. 41453 of 2025 (Avijit Sadhukhan & Ors. Vs. State of West Bengal & Ors.)** which was preferred questioning the judgment and order dated 16th July, 2025 delivered in **Arunima Paul** (supra). Order dated 25th

August, 2025 passed by the Hon'ble Supreme Court in **Avijit Sadhukhan** (supra) is placed before this Court and same is taken on record.

7) On perusal of the said order dated 25th August, 2025 passed in **Avijit Sadhukhan** (supra), it appears that Hon'ble Supreme Court is in *seisin* of the matter where similar issue is involved. Therefore, this Court finds no reason to entertain this writ petition at this stage.

8) In this regard, reliance is placed on the judgment reported in **(2007) 6 SCC 120 [Arunima Baruah Vs. Union of India & Ors.]** where in paragraph 18 it was observed that the Court would not ordinarily permit a party to peruse parallel remedies in respect of same subject matter.

9) In aforesaid conspectus and taking note of the fact that **Special Leave Petition (Civil) Diary No. 41453 of 2025** is pending before the Hon'ble Supreme Court, present writ petition stands dismissed.

10) There shall be no order as to costs.

11) Urgent photostat certified copy of this judgment and order, if applied for, be given to the parties on usual undertakings.

(Saugata Bhattacharyya, J.)