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24.9.2025
Ct. No. 1
SB

RVW 228 of 2025
CAN 1 of 2025
CAN 2 of 2025

Priyanka Shaw
Vs.
Arunima Paul & Ors.
in
MAT 1017 of 2025

Arunima Paul & Ors.
Vs.
State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Yashraj Roy
Mr. Atreya Chakraborty ...for the petitioner

Mr. Kalyan Kr. Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharya
Mr. Arka Kumar Nag
Ms. Pramiti Bandopadhyay
Mr. Rahul Kr. Singh ... for W.B.C.S.S.C

Mr. Sirsanya Bandyopadhyay
Mr. Sandip Dasgupta
Ms. Mahima Cholera
Mr. Niket Ojha ... for the State

1. The applicant had filed this application for review of the judgement and order dated 16.7.2025.
2. Mr. Basu, learned counsel appearing on behalf of the applicant submits that in affirming the notification dated 30.5.2025 issued by the Secretary of West Bengal Central School Service Commission vide Memo No. 1092/7016/CSSC/ESST 2025, the Division Bench was not apprised of the candidates were victim of rank jumping and the observations are primarily confined to the tainted and

untainted candidates who were rendering service but lost their jobs.

3. Mr. Kalyan Kr. Bandopadhyay, learned senior counsel appearing on behalf of the Commission submits that the judgement delivered on 16.7.2025 was unsuccessfully challenged in a Special Leave to Appeal (C). The order passed in Special Leave to Appeal (C) No. 19222/2025 dated 21.7.2025 is placed before us. In the event, the said issue had not been urged and decided by this Court then it cannot be considered to be an issue impliedly decided by our judgement.
4. On the contrary any such observation without any argument would be judgement *sub-silentio*. Moreover, it appears that the writ petitioner has not challenged the said rules contemporaneously. The prayer of the writ petitioner seems to be that considering the fact that she is the victim of rank jumping the eligibility criteria with regard to teaching experience by relaxation of marks may be considered by the commission. This in our view, cannot be the subject matter of the review.
5. Mr. Basu, at this stage has submitted that the candidate would complete three years on the date of interview as she was appointed in terms of an order passed by a co-ordinate Bench in one of us (Soumen Sen, J.) in MAT 199 of 2023 with CAN 1 of 2023 dated 24.8.2023. He has drawn our attention to paragraph nos. 4, 5, 6 & 7 of the said order. However, the Rules 2016 have been replaced by the Rules 2025 as we have noted above. Whether the commission

would give a relaxation to the writ petitioner based on the observation dated 24.8.2023 would be for the commission to decide and any such decision may give rise to a fresh cause of action.

6. In view thereof, we are of the view that Review Application is not maintainable. Our observation is restricted to the maintainability of the Review Application and not on merit.

[Soumen Sen, C.J. (Acting)]

(Smita Das De, J.)