

Form No. J(2)
Item No. DL / 11
ARPAN – A.R.(CT)

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

W.P.A. NO 17181 OF 2025

RAJAT ROY & OTHERS

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners	: Mr. Bikash Goswami, Adv. Mr. Osman Gani Mallick, Adv.
For the State	: Mr. Bhaskar Prasad Vaisya, AGP. Mr. Gourav Das, Adv. Mr. Hemanta Kumar Das, Adv.
For the WBCSSC	: Dr. Sutanu Kumar Patra, Adv. Ms. Supriya Dubey, Adv.
For the WBBSE	: Ms. Koyeli Bhattacharyya, Adv.
Hearing Concluded On	: 09.09.2025
Judgment On	: 09.09.2025

SAUGATA BHATTACHARYYA, J.:

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

2. Documents filed in support of petitioners' putting in deficit court fees are also taken on record.
3. Petitioners participated in the 1st State Level Selection Test, 2016 for classes IX-X and XI-XII as well as in 1st State Level Selection Test, 2016 for upper primary level of classes.
4. Learned Advocate representing the petitioners submits that petitioners were selected in 1st SLST, 2016 for classes IX-X and XI-XII and on being recommended by the West Bengal Central School Service Commission (hereinafter referred to as '*Commission*') they joined the posts of Assistant Teacher in secondary/ higher secondary section of Government aided schools.
5. It is also submitted on behalf of the petitioners that in 1st SLST, 2016 (Upper Primary) petitioners applied for participation in the selection process but subsequently, did not upload testimonials for verification which was required in terms of the order of the Co-ordinate Bench since Commission was permitted to initiate selection process from Rule 12(2) stage. However, petitioners did not pursue remedy in connection with 1st SLST, 2016 (Upper Primary).
6. Petitioners lost their jobs in terms of the judgment of the Hon'ble Supreme Court dated 3rd 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.)***. Petitioners now pray for direction upon the Commission which would

permit them to be considered in connection with 1st SLST, 2016 (Upper Primary).

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 1st 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 1st SLST, 2016 (Upper Primary) is almost complete and 8th round of counselling was conducted on 1st August, 2025. Therefore, according to the Commission at this stage, there is no scope left open so far petitioners are concerned to be considered based on their applications made as per recruitment notification in connection with 1st SLST, 2016 (Upper Primary).
9. Having considered the respective submissions made on behalf of the parties, this Court finds that it is true petitioners have lost their jobs in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 passed in **Baishakhi Bhattacharyya (Chatterjee)** (*supra*) and at the material point of time when selection process was continuing in connection with 1st SLST, 2016 (Upper Primary), petitioners were working in schools for higher classes.

10. It is also submitted on behalf of the petitioners that they made representations before the concerned authority of the Commission for being considered in connection with 1st SLST, 2016 (Upper Primary).
11. However, fact remains petitioners did not participate in the selection process in connection with 1st SLST, 2016 (Upper Primary) which was held far back in 2021-2022.
12. If today Court accepts the contention of the petitioners and directs the concerned authority of the Commission to conduct selection process for the petitioners at this stage when said selection process, i.e., 1st SLST, 2016 (Upper Primary) is almost complete, it would unsettle the entire selection process that would lead to a topsy-turvy situation. Once candidates do not participate in the selection process their right to be considered for appointment on being empanelled is withered away.
13. Hence, at this stage no relief can be granted to the petitioners.
14. Writ petition stands dismissed.
15. However, there shall be no order as to costs.
16. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)