

09.09.2025
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FMA 1383 of 2025

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IA No.: CAN 1 of 2025 [App. Order]

Niloy Kumar Barman *alias Niloy Kr. Barman & Others*
- Versus -

The State of West Bengal & Others

Mr. Sudipta Dasgupta,

Mr. Arindam Shit

... for the Appellants.

Mr. Sirsanya Bandopadhyay,

Ms. Tapati Samanta,

Mr. Sandip Das Gupta,

Ms. Mahima Chobera

Mr. Niket Ojha

... for the State/Respondents.

Ms. P. Bandopadhyay,

Mr. A. K. Nag,

Mr. Rahul Kumar Singh

... for the WBCSSC.

Mr. Parashar Baidya

... for the University/

Respondent nos.3 & 4.

Affidavit-of-service, as filed, be kept on record.

The present appeal has been preferred challenging a judgment dated 17th July, 2025 passed by the learned single Judge in the writ petition, being WPA 13919 of 2025, which was preferred by the writ petitioners/appellants herein *inter alia* praying for issuance of necessary direction upon the respondents 'to allow the petitioners to participate in the State Level Selection Test (SLST) for recruitment of Assistant Teachers (Classes IX-X/Secondary) and Assistant Teachers (Classes XI-XII/Higher Secondary), 2025 in Government Aided/Sponsored

Secondary/Higher Secondary Schools in West Bengal without any hindrance and take necessary consequential steps’.

Mr. Dasgupta, learned advocate appearing for the appellants submits that the appellants are the *bona fide* students and are diligently pursuing the 2-Year B. Ed. Course in the Baba Saheb Ambedkar Education University (hereinafter referred to as the said University) and are currently in their 4th semester. The University could not complete the prescribed course upon conducting timely examination and in view thereof, the appellants could not complete the 2-Year B. Ed course. However, in the midst thereof, the West Bengal Central School Service Commission (in short, the said Commission) initiated steps to conduct the State Level Selection Test (SLST) for recruitment of Assistant Teachers (Classes IX-X / Secondary) and Assistant Teachers (Classes XI-XII / Higher Secondary), 2025. The date for processing the applications submitted was stipulated to be from 16th June, 2025 till 21st July, 2025.

Mr. Dasgupta further submits that other universities conducting the B. Ed. Course have already completed the 4th semester examination and the students, who emerged to be successful, got an

opportunity to participate in the selection process. For the delay and negligence on the part of the said University, the appellants cannot be made to suffer and they may be allowed to submit application for offering candidature in the selection process. Such argument, as advanced, was glossed over by the learned single Judge.

Mr. Nag, learned advocate appearing for the Commission submits that as per Rule 10 of the Rules of 2025, the requisite qualification as per the advertisement shall have to be obtained on or before the last date of receiving online applications. The appellants admittedly do not fulfil the eligibility criteria for participating in the selection process. Determination of eligibility cannot be left uncertain till the final stages of selection, since that would lead to uncertainty. In support of such contention, he relied on the judgments delivered in the cases of – (1) *Tej Prakash Pathak and Others Vs. Rajasthan High Court and Others*, reported in (2025) 2 SCC1 and (2) *Divya Vs. Union of India & Others*, reported in (2024)1 SCC 448.

Mr. Baidya, learned advocate appearing for the said University denies and disputes the contention of Mr. Dasgupta and submits that the appellants, at the time of admission in the B. Ed. Course, were

aware that the final examination would be conducted in the month of October, 2025. Having, thus, taken admission in the said course, the appellants cannot now allege that there had been a delay on the part of the University to complete the course. In support of such contention, he has placed reliance upon the academic schedule and relevant notifications. Let the same, as placed, be kept on record.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

Indisputably, the appellants have not acquired the B. Ed. qualification which is a mandatory eligibility criterion for participation in the selection process. In the said conspectus, the learned single Judge refused to exercise discretion in their favour and to allow them to participate in the selection process observing *inter alia* that the appellants would not be able to obtain the required qualification by the last date fixed by the Commission for submitting application.

As no legal right of the appellants had been infringed, no interference is called for in the present appeal. The learned single Judge upon

dealing with the factual issues arrived at specific findings and we do not find any error in the same.

Accordingly, the appeal and the connected application are dismissed.

There shall, however, be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Reetobroto Kumar Mitra, J.) (Tapabrata Chakraborty, J.)