

Form No. J(2)
Item No. DL / 35
ARPAN – A.R.(CT)

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

W.P.A. NO 19812 OF 2025

MAMPI ROY @ MAMPI MONDAL ROY

VS.

THE STATE OF WEST BENGAL & OTHERS

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioner : Mr. Sudip Ghosh Chowdhury, Adv.
Ms. Debalina Chakraborty, Adv.
Ms. Pritha Biswas, Adv.

For the State : Mr. Tapas Kumar Dey, Adv.
Ms. Rituparna Ghosh, Adv.

For the WBCSSC : Dr. Sutanu Kumar Patra, Adv.
Ms. Supriya Dubey, Adv.

Hearing Concluded On : 18.09.2025

Judgment On : 18.09.2025

SAUGATA BHATTACHARYYA, J.:

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

2. Petitioner participated in two selection processes, namely, 1st State Level Selection Test, 2016 for classes IX & X and also 1st State Level Selection Test, 2016 (Upper Primary) for being appointed as Assistant Teacher in upper primary level of classes.
3. It needs to be recorded herein in view of submission made on behalf of the petitioner that petitioner was selected in both the selection processes for being counselled in order to offer job of Assistant Teacher in classes IX & X in connection with 1st SLST, 2016 and upper primary level of classes in connection with 1st SLST, 2016 (Upper Primary).
4. Petitioner opted to be appointed as an Assistant Teacher in secondary section of a Government aided recognized school since according to the petitioner, it was better opportunity for her to work as an Assistant Teacher in secondary section rather than working in upper primary level of classes as that would have been beneficial in terms of payment of salaries and other emoluments.
5. The selection process i.e. 1st SLST, 2016 for Classes IX & X has been set aside by the Hon'ble Supreme Court *vide* judgment dated 3rd April, 2025 delivered in Appeal arising out of ***Special Leave Petition (Civil) No. 9586 of 2024 (State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Others)***. Subsequently, petitioner has approached this Court with the present writ petition in order to permit her to participate in the counselling process being an eligible candidate for being selected for the post of Assistant Teacher in upper primary

level of classes in view of petitioner's participation in 1st SLST, 2016 (Upper Primary).

6. In support of such contention relevant part of the merit list is annexed to this writ petition at page 18.
7. It is submitted on behalf of the petitioner if without diluting merit petitioner comes within the zone of consideration, she may be permitted to participate in the next counselling.
8. In this regard, reliance is placed on an order dated 9th June, 2025 passed in a writ petition being **WPA 9980 of 2025 (Mukti Biswas vs. State of West Bengal & Ors.)**. Reliance is also placed on the order of a Co-ordinate Bench dated 30th July, 2025 passed in **WPA 9301 of 2025 (Sukumar Singh & Ors. vs. The State of West Bengal & Ors.)**.
9. Dr. Patra, learned advocate representing West Bengal Central School Service Commission (for short, '*Commission*') opposes the prayer of the petitioner to allow her to participate in the counselling in connection with 1st State Level Selection Test, 2016 (Upper Primary) since petitioner in spite of being permitted to participate in the previous round of counselling did not turn up. It is also submitted at this stage if petitioner is permitted to participate in the counselling and if she comes within the zone of consideration, that would make the entire process topsy-turvy.

10. Another limb of submission made on behalf of the Commission is if petitioner is permitted to participate in the counselling, a candidate who has already been chosen for counselling would be ousted.
11. First before considering the issue raised in this writ petition, this Court needs to find out whether petitioner is 'untainted' candidate or not in connection with the selection process of 1st SLST, 2016 for Classes IX & X since in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 'tainted' candidates have no right to offer their candidature in fresh selection process.
12. In this regard, it is submitted on behalf of the petitioner that she has been permitted to continue as an Assistant Teacher till 31st December, 2025 which goes to show that till date petitioner has not been identified as 'tainted' candidate in connection with 1st SLST, 2016 for Classes IX & X.
13. This Court needs to consider the issue in view of special facts and circumstances where petitioner has lost job since entire selection process i.e. 1st SLST, 2016 for Classes IX & X and XI & XII has been set aside by the Hon'ble Supreme Court *vide* judgment dated 3rd April, 2025.
14. It needs to be taken into consideration that petitioner also participated in 1st SLST, 2016 for upper primary level of classes and where she was selected but she did not participate in the previous round of counselling since at the material point of time petitioner was working

as an Assistant Teacher in secondary section on being selected in the selection process i.e. 1st State Level Selection Test, 2016 for Classes IX & X. Subsequently, petitioner has lost job after the said selection process has been declared illegal which triggered the present writ petition and a prayer is made to permit her to participate in the counselling process.

15. In view of aforesaid scenario, concerned authority of the Commission is directed to permit the petitioner to participate in the next counselling if same is to be organized by the concerned authority of the Commission and if it is found that petitioner comes within the zone of consideration in terms of her merit position in the list in the event petitioner is not 'tainted' candidate.
16. The concerned authority of the Commission at the time of counselling shall verify credentials of the petitioner.
17. With the aforesaid observations and directions, writ petition stands disposed of.
18. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)