

Form No. J(2)

Item No. DL / 25

RKD – A.R.(CT)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. NO 19772 OF 2025

Minarul Islam & Ors.

-Vs-

The State of West Bengal & Ors.

BEFORE: THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

For the Petitioners : Mr. Debasis Kar,
Mr. Shasmim ul Bari,
Mr. Husen Mustafi,
Mr. Atarul Hoque Molla

For the State : Mr. Amitabrata Roy,
Mr. Nilotpal Chatterjee,
Mr. Amadipta Sengupta

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

For the WBBSE : Ms. Koyeli Bhattacharyya

Heard On : 18.09.2025

Judgment On : 18.09.2025

SAUGATA BHATTACHARYYA, J.:

1. Affidavit-of-service filed on behalf of the petitioners is taken on record.
2. 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.
3. Learned advocate representing the petitioners submits that they 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 post of Assistant Teacher in secondary/higher secondary section of Government aided schools.
4. It is also submitted on behalf of the petitioners that in 1st SLST, 2016 (Upper Primary) petitioners participated upto the stage of verification of testimonials and marks awarded to the petitioners were above the cut-off marks fixed in the category under which petitioners offered their candidature.
5. However, it is submitted that petitioners did not participate in the personality test in connection with 1st SLST, 2016 (Upper Primary) and petitioners did not pursue remedy contemporaneously.
6. Petitioners lost job 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 participate in the personality test for being selected in 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 if at this stage petitioners are permitted to participate in the personality test in connection with 1st SLST, 2016 (Upper Primary), that would unsettle the selection process where 8th round of counselling is over.
9. Having considered the respective submissions made on behalf of the parties this Court finds that it is true the petitioners have lost job 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 personality test was conducted 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 were allotted marks higher than the cut-off marks in the category under which they offered candidature and they had fair chance to be empanelled if they participated in the personality test.
11. However, fact remains petitioners did not participate in the personality test 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 personality test for the petitioners at the stage when 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 a candidate does not participate in the personality test his/her 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.)