

MAT 1477 of 2025
with
IA No. CAN 1 of 2025
(The West Bengal Central School Service Commission
& Anr. Vs. Sukumar Singh & Ors.)

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey
.... For the appellants

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu
.... For the State respondents

Mr. Ekramul Bari
Sk. Imtiaz Uddin
..... For the writ petitioners/respondents

The present appeal has been preferred by the West Bengal Central School Service Commission (hereinafter referred to as the said Commission) and its functionary challenging an order dated 30th July, 2025 passed by the learned single Judge in the writ petition being WPA 9301 of 2025. By the said order, the learned single Judge directed the Commission to allow the writ petitioners ‘to participate in the immediately next phase of Counselling process after the forthcoming 8th phase of Counselling process’. The Commission was further directed ‘to permit the petitioners to participate in the said Counselling process, if the petitioners come within the zone of consideration in terms of their respective merit positions in the merit list and if the petitioners are not tainted candidates’. The learned single Judge also observed, *inter alia*, that ‘the petitioners shall take part in the Counselling

process on the basis of the available vacancies as on the date of the very Counselling process, the petitioners shall participate’.

Dr. Patra, learned advocate appearing for the Commission/ appellants herein that the writ petitioners were called for counselling as per their respective merit positions. However, they chose not to appear. In view thereof, the learned single Judge ought not to have directed the Commission to grant the said petitioners a further opportunity to appear in the next round of counselling.

He argues that no legally enforceable right of the writ petitioners was infringed and the direction issued by the learned single Judge is contrary to the relevant rules, which *inter alia* provides that ‘*absentee candidates shall not be called for any second counselling*’.

Mr. Bari, learned advocate appearing for the writ petitioners/respondents herein denies and disputes such contention of Dr. Patra and submits that the present counselling process is being conducted by the said Commission pursuant to the directions contained in the judgment delivered in the case of *Rajib Brahma & Ors. Vs. State of West Bengal & Ors.* wherein the Hon’ble Appeal Court directed the Commission to hold counselling and recommend all the 14,052 candidates, who appeared in the personality test. Considering the said judgment, the

learned single Judge in an earlier matter (*Mukti Biswas Vs. The State of West Bengal & Ors.*) passed a similar order directing the Commission to allow the writ petitioner therein to participate in the counselling and the Commission having accepted the said order cannot take a different stand in the present writ petition. In view thereof, no interference is called for in the present appeal.

He further argues that it is not a case that the writ petitioners deliberately chose not to appear in the first phase of counselling since at that juncture, they were in a dilemma as to whether their appointment in the selection process for classes XI and XII would be terminated or as to whether their appointment would not be interfered with.

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

Indisputably, counselling was being conducted by the Commission in terms of a judgment delivered by this Bench in the case of *Rajib Brahma & Ors. (supra)* wherein the Court directed the Commission to hold counselling and to recommend all the 14,052 candidates, who appeared in the Personality Test. The writ petitioners were empaneled and they come within the 14,052 vacancies. Counselling of about 1242 candidates is yet to be completed. Even after accommodation of the said 1242

candidates, there would still exist sufficient number of vacancies. The learned single Judge directed the Commission to allow the writ petitioners to participate in the counselling incorporating a specific rider that they shall take part in the counselling process on the basis of the available vacancies as on the date of the counselling process.

In the said conspectus, we do not find any infirmity in the order impugned and that as such, no interference is called for in the present appeal and the same along with the connected application are dismissed.

The writ petition was preferred primarily seeking issuance of necessary direction upon the respondents '*to allow the petitioners to take part in the counselling process in terms of their empanelment in the merit list.*' As we have not interfered with the interim order as assailed in the present appeal and as there is no other issue to be decided in the writ petition, no useful purpose will be served by keeping the writ petition pending.

Accordingly, we dispose of the writ petition, with the consent of the parties, directing that the writ petitioners shall take part in the counselling process on the basis of the available vacancies as on the date of the counselling process.

Dr. Patra argues that there is a specific rule that '*absentee candidates shall not be called for any second*

counselling' and that in the event the writ petitioners, who did not appear in the first phase of counselling, are granted any further opportunity to participate in counselling process, the same would create a precedent in every selection process and would have a cascading effect.

Considering such argument, as advanced, we make it clear that the present order is being passed in the peculiar facts and circumstances of the case and in view of the judgment delivered in *Rajib Brahma (supra)* and the direction contained in the present appeal shall not be treated as a precedent in any other selection process to be conducted by the Commission.

With the above observations and directions, the writ petition is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)