

04.09.2025
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MAT 1493 of 2025
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IA No.: CAN 1 of 2025
+
IA No.: CAN 2 of 2025
Somnath Mukherjee & Another
- Versus -
State of West Bengal & Others
AND
MAT 1496 of 2025
+
IA No.: CAN 1 of 2025
+
IA No.: CAN 2 of 2025
Smt. Sampa Ghosh
- Versus -
State of West Bengal & Others

Mr. Anindya Lahiri,
Mr. Arkadipta Sengupta,
Ms. Pranati Das,
Mr. Samrat Dey Paul,
Mr. Subhomoy Paul
Mr. Anish Chakraborty
... for the Appellants
[in MAT 1493 of 2025].

Mr. Soumya Majumder,
Mr. Anindya Lahiri,
Mr. Arkadipta Sengupta,
Ms. Pranati Das,
Mr. Samrat Dey Paul,
Mr. Tirthankar Dey,
Mr. Subhomoy Paul
Mr. Anish Chakraborty,
Ms. Ria Naskar
... for the Appellant
[in MAT 1496 of 2025].

Mr. Kishore Dutta,
Mr. Amitabrata Roy,
Mr. Swapan Banerjee,
Mr. Lalit Mohan Mahata,
Mr. Sirsanya Bandopadhyay,
Mr. Soumen Chatterjee,
Ms. Sumita Shaw,
Mr. Sandip Das Gupta,
Ms. Mahima Chobera,
Mr. Niket Ojha,
Mr. S. Alam

... for the State/respondents
 [in both the matters]
 Ms. Koyeli Bhattacharyya,
 Mr. Bibek Dutta
 ... for the WBBSE
 [in both the matters]
 Mr. Kalyan Kuamr Bandopadhyay,
 Mr. Biswaroop Bhattacharya,
 Ms. Pramiti Bandopadhyay,
 Mr. Arka Kumar Nag,
 Mr. Rahul Kumar Singh
 ... for the WBCSSC.
 [in both the matters]

The present appeals have been preferred challenging the judgment dated 2nd September, 2025 passed by the learned single Judge in four writ petitions, being WPA 20845 of 2025, WPA 20861 of 2025, WPA 20863 of 2025 and WPA 20877 of 2025, which were heard analogously. The said writ petitions were preferred primarily challenging the memoranda nos. 1652/ 7016/ CSSC/ ESTT/ 2025 and 1653/7016/CSSC/ESTT/2025 both dated 30th August, 2025. By the first memo, the West Bengal Central School Service Commission (hereinafter referred to as the said Commission) published a list incorporating the names of the Assistant Teachers whose *‘selection has been set aside by the Hon’ble High Court and confirmed by the Hon’ble Supreme Court’*. The second memo was issued cancelling the admit cards issued to those candidates with a further clarification that *‘if any tainted candidates from the 1st SLST, 2016 selection process are issued provisional admit cards, they should not appear in the 2nd SLST 2016’*.

Drawing our attention to the contents of paragraph 363(iv) of the judgment dated 22nd April, 2024 delivered by the Hon'ble Division Bench in MAT 1016 of 2025, Mr. Lahiri, learned advocate appearing for the appellants submits that the appellants herein were not appointed from outside the panel or after expiry of the panel nor had submitted blank OMR sheets and that as such they could not been described as tainted candidates.

Drawing our attention to the judgment dated 3rd April, 2025 delivered by the Hon'ble Supreme Court in the case of *West Bengal Secondary Education Vs. Baishakhi Bhattacharyya (Chatterjee) and others*, Mr. Lahiri further submits that the appointments made to the Assistant Teachers for classes IX-X and XI-XII after the expiry of the panel were '*illegal and contrary to the Rules*'. A perusal of the list of candidates called for the 8th Phase of counselling would reveal that the candidates therein were appointed much after the expiry of the panel but they were not treated to be tainted candidates and had been issued admit cards to participate in the examination scheduled to be held on 7th September, 2025 but the admit cards issued to the appellants had been cancelled. The Commission had thus acted arbitrarily and had applied a different yardstick in respect of the appellants.

He contends that after delivery of the judgment in the case of *Baishakhi Bhattacharyya (Chatterjee) (supra)*, the

Board filed a miscellaneous application in which an order was passed directing that the untainted candidates should be allowed to continue in their respective posts observing *inter alia* that students undergoing study presently should not suffer on account of the lack of teachers. Surprisingly, the appellants who were admittedly appointed prior to expiry of the panel were not allowed to continue without any reason whatsoever. However, later the Commission did issue provisional admit cards to the appellants for the examination scheduled on 7th September, 2025 but abruptly cancelled the same without any reason. Such arguments, as advanced, were glossed over by the learned single Judge and no finding was returned on the same. Such infirmity warrants interference of this Court.

Mr. Majumder, learned senior advocate appearing for the appellants in MAT 1496 of 2025 adopted the arguments advanced by Mr. Lahiri and submitted that the issue as to whether persons similarly situated with the appellants would be allowed to participate in the selection process had been left open to be decided by the Hon'ble High Court. In view thereof, this Court has the jurisdiction to consider the said issue and grant appropriate opportunity to the appellants herein to participate in the selection process. In support of such contention he has placed reliance upon an order dated

25th August, 2025 passed by the Hon'ble Supreme Court in the case of *Sonali Das Vs. State of West Bengal & Others* [SLP (Civil) No.16599 of 2025].

Mr. Bandopadhyay, learned senior advocate appearing for the said Commission denies and disputes the contentions of the appellants and submits that the names of the appellants feature in the list of tainted candidates. On repeated occasions and in connection with several applications the Hon'ble Supreme Court had categorically directed that the tainted candidates cannot be allowed to participate in the examination. In support of such contention much reliance has been placed upon the observations made by the Hon'ble Supreme Court in the case of *Bibek Paria & Others Vs. The state of West Bengal & Others* [Special Leave Petition (Civil) Diary no.46049 of 2025]

He further submits that the learned single Judge had rightly observed in paragraph 21 of the judgment impugned that the matters being Special Leave to Appeal (C) No.23784/2025 and Special Leave Petition (Civil) Diary No.46049/2025 are pending for further consideration before the Hon'ble Supreme Court in connection with which the list dated 30th August, 2025 was published containing the names of tainted candidates and that as such the Court rightly refused to entertain the appellants' prayer.

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

Indisputably, the appellants are included in the list of tainted candidates. Even after issuance of the order passed on 17th April, 2025 in the miscellaneous application filed by the Board in the case of *Baishakhi Bhattacharyya (Chatterjee) (supra)*, the appellants were not allowed to continue with their services and at that juncture the appellants also did not approach the Hon'ble Supreme Court for appropriate orders. While hearing the matter of *Bibek Paria (supra)* the Hon'ble Supreme Court in the order dated 29th August, 2025 recorded that the statement of the learned senior counsel appearing for the Commission that none of the tainted candidates would be permitted to appear in the selection tests scheduled to be held on 07.09.2025 and 14.09.2025 and that if any tainted candidate slips through the net and manages to appear for the test(s), the notice dated 25.08.2025 issued by the Commission stating the eligibility/ineligibility of candidates would be examined in the post-examination stage in weeding out such tainted candidates, who are wholly ineligible in terms of the judgment delivered in the case of *Baishakhi Bhattacharyya (Chatterjee) (supra)*. In view of such observations made by the Hon'ble Supreme Court and as the said matter is still pending before the

Hon'ble Supreme Court, the learned single Judge refused to exercise discretion in favour of the appellants and we do not find any infirmity in the impugned judgment.

The order in *Sonali Das (supra)* was passed by the Hon'ble Supreme Court on 25th August, 2025 and subsequent thereto, the Commission had submitted a list of tainted candidates in the case of *Baishakhi Bhattacharyya (Chatterjee) (supra)* and the Hon'ble Supreme Court is in seisin of the same.

In view thereof, the appeals and the connected applications are dismissed.

Urgent certified photocopy of this order, if applied for, be supplied as expeditiously as possible.

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