

Item no. 2
11.09.2025
Court No. 18
(Suvendu)

W.P.A. 21114 of 2025

Shaoli Mukherjee

-vs-

The State of West Bengal & Ors.

Mr. Partha Sarathi Bhattacharyya,
Mr. Sanat Das,
Mr. Raju Bhattacharya,
Mr. Gopal Krishna Maiti

....for the petitioner

Mr. Kalyan Bandopadhyay,
Mr. Biswarup Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh

....for the WBCSSC

Mr. Sirsanya Bandopadhyay,
Mr. Gourav Das,
Mr. Sandip Das,
Mr. Aviroop Mitra,
Ms. Mahima Cholera,
Mr. Suprabhat Bhattacharyya
Mr. Niket Ojha

....for the State

Ms. Koyeli Bhattacharyya,
Mr. Bibek Dutta

....for the WBBSE

1. Affidavit-of service filed on behalf of the petitioner is taken on record.
2. Petitioner is declared as tainted candidate and her name featured in the list dated 30th August, 2025 which was published by the West Bengal Central School Service Commission (for short, "Commission"). By publishing list dated 30th August, 2025 petitioner since is termed as tainted she will not be permitted to participate in the ensuing examination scheduled on 14th September, 2025.
3. The Examination which is to be held on 14th September, 2025 is part of selection process which has been initiated in terms of

recruitment notification dated 30th May, 2025 being No. 1092/7016/CSSC/ESST/2025.

4. It is submitted by learned advocate representing the petitioner that though she is issued Admit Card permitting her to sit in the scheduled examination but based on list dated 30th August, 2025 her Admit Card might have been cancelled triggering the present writ petition.
5. Learned advocates representing the parties have relied upon judgment of the Hon'ble Division Bench dated 22nd April, 2024 delivered by the Hon'ble Division Bench on a batch of matter first one being **WPA 30649 of 2016 (Baishakhi Bhattacharyya (Chatterjee) & Ors. -vs- State of West Bengal & Ors.)** and the judgment of the Hon'ble Supreme Court delivered in **Civil Appeal arising out of Special Leave Petition (Civil) No.9586 of 2024 [State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and Ors.]**.
6. In addition thereto, Mr. Bhattacharyya, learned senior advocate representing the petitioner has made submission based on a document at page 378 of the writ petition issued by the concerned authority of the Commission wherein petitioner's name featured at serial 23 in a list. At that material point of time as it appears that the Commission published the said list in connection with 1st State Level Selection Test, 2016.
7. It is argued that paragraph 363(iv) of the judgment dated 22nd April, 2024 delivered by the Hon'ble Division Bench in **Baishakhi Bhattacharyya (Chatterjee)** (supra) and judgment dated 3rd April, 2025 delivered by the Hon'ble Supreme Court in **Baishakhi Bhattacharyya (Chatterjee)** (supra) were considered by the Hon'ble Division Bench in judgment dated 10th July, 2025 passed in **MAT 1016 of 2025, Sanjay Kumar Doloi** (supra) and made certain observations which come in

favour of the present petitioner in determining whether petitioner is tainted candidate or not.

8. Having considered the respective submissions made on behalf of the parties, Court finds that the issue involved in the writ petition was dealt with by this Court while deciding batch of writ petitions first one being **WPA 20845 of 2025 (Sampa Ghosh -vs- State of West Bengal & Ors.)**.
9. It is found that ratio of **Sampa Ghosh** (supra) covers the issue involved in the present writ petition.
10. After the judgment was delivered by the Hon'ble Supreme Court on 3rd April, 2025 in **Baishakhi Bhattacharyya (Chatterjee)** (supra) and taking note of observations made in paragraph 41 of the said judgment the document relied upon by the petitioner which is at page 378 of the writ petition, ought not to be given credence. This Court finds it apt to quote the observations of the Hon'ble Supreme Court as contained in paragraph 41 of the judgment dated 3rd April, 2025 below :-

“The claim that the data on the three hard disks shows no interpolation and is consistent with the data in M/s. Data Scantech Solutions’ computers fails to account for significant gaps and discrepancies. These issues, highlighted in the impugned judgment and our findings, clearly point to large-scale manipulation and tampering with results, including rank-jumping, discrepancies in marks, the issuance of appointment letters to candidates not on the panel, and appointments made beyond the panel’s validity period.”

11. Hence, writ petition stands dismissed.
12. However, there shall be no order as to costs.
13. Urgent photostat certified copy of this order, if applied for, be given to the parties on the usual undertakings.

(Saugata Bhattacharyya, J.)