

MAT 1512 of 2025
with
IA No. CAN 1 of 2025
(The West Bengal Central School Service Commission
& Anr. Vs. Arpita Pramanik & Ors.)

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

.... For the appellants

Mr. Susovan Sengupta
Mr. Manas Kumar Sadhu

.... For the State respondents

Mr. Sudip Ghosh Chowdhury
Ms. Shreyeta Mitra
Ms. Pritha Biswas

..... For the writ petitioners/respondents

The present appeal has been preferred by the Chairman, West Bengal Central School Service Commission (hereinafter referred to as the said Commission) challenging a judgment dated 12th August, 2025 passed by the learned single Judge in a group of writ petitions which were heard analogously. The present appeal has been preferred against the judgment delivered in the writ petition preferred by one Arpita Pramanik being, WPA 12929 of 2025. By the said judgment, the writ petitions were disposed of directing the Commission ‘to *permit the petitioners to participate in the counseling which is to be organized by the Commission if petitioners come within the zone of consideration in terms of merit position in the select list and if petitioners are not tainted candidates*’. It was further observed that such

participation in counselling '*shall be subject to availability of matching vacancies*'.

Dr. Patra, learned advocate appearing for the Commission/appellants herein that the writ petitioner/respondent in the present appeal was called for counselling as per her merit position. However, she chose not to appear. In view thereof, the learned single Judge ought not to have directed the Commission to grant the said petitioner a further opportunity to appear in the next round of counselling.

He argues that no legally enforceable right of the writ petitioner 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*'.

Dr. Patra contends 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.

Mr. Ghosh Chowdhury, learned advocate appearing for the writ petitioner/respondent 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 petitioner deliberately chose not to appear in the first phase of counselling since at that juncture, she was in a dilemma as to whether her appointment in the selection process for classes XI and XII would be terminated or as to whether her 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 petitioner was empaneled and she comes 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 petitioner to participate in the counselling incorporating a specific rider that such participation in counselling '*shall be subject to availability of matching vacancies*'.

In the said conspectus, we do not find any infirmity in the judgment impugned and that as such, no interference is called for in the present appeal.

Accordingly, the appeal and the connected application are dismissed.

It is, however, made 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.

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.)