

03-11-2025
Item No.88 ML
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.24492 of 2025
Mamud Hossain

-vs-

The State of West Bengal & Ors.

Mr. Sankar Prasad Dalapati
Mr. Pritam Chowdhury
Mr. Safik Dewah
Mr. Sourav Mondal ...for the petitioners

Mr. Sirsanya Bandopadhyaya, SSC
Mr. Sandip Das Gupta
Mr. Debasis Sur
Ms. Mahima Cholera
Mr. Niket Ojha ...for the State

Mr. Arka Kumar Nag
Ms. P. Bandopadhyay
Mr. R.K. Singh ...for WBCSCC

Ms. Koyeli Bhattacharya
Mr. Bibek Datta ...for the Board

1. The petitioner participated in the SLST conducted by the School Service Commission in the year 2016. The entire selection process stood set aside by judgment dated April 22, 2024 delivered by the Hon'ble Division Bench of this Court in WPA No.30649 of 2016 (Baishakhi Bhattacharyya (Chatterjee) & Ors. -vs- The State of West Bengal & Ors. along with a bunch of writ petitions.
2. The aforesaid judgment was affirmed by the Hon'ble Supreme Court in Special Leave Petition (Civil) No.9586 of 2024 (State of West Bengal -vs- Baishakhi Bhattacharyya (Chatterjee) & Ors.

3. The name of the petitioner was found in the tainted list published by the School Service Commission. The petitioner seeks to be re-appointed in his post as he was the in-service candidate.
4. According to the petitioner, he ought to have been reverted back to his post in terms of the order passed by the Hon'ble Supreme Court.
5. The prayer of the petitioner is opposed by the learned counsel for the respondents.
6. This issue as to whether similarly placed tainted in-service candidates would be permitted to get back their job was taken up for consideration by a Coordinate Bench of this Court in WPA No.21776 of 2025 and vide order dated October 28, 2025 the Court was placed to dismiss the said writ petition.
7. In the instant case, it appears that as the petitioner's name featured in the list of tainted candidates, he certainly does not have any right to be put back to his earlier service. Prayer of the petitioner thus cannot be allowed.
8. The writ petition fails and is hereby dismissed.
9. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
10. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

