

13th Nov., 2025

Item no.D/L 4
Court No. 18

Pradip, A.R.(Ct.)

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 25573 of 2025**

In the matter of :
Malabika Nandy *.... Petitioner*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioner:
Mr. Sudip Ghosh Chowdhury
Ms. Shreejeta Mitra
Ms. Pritha Biswas *....Advocates*

For the W.B.B.S.E:
Ms. Koyeli Bhattacharyya
Mr. Bibek Datta *....Advocates*

For the WBCSSC:
Mr. Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
Mr. Sunit Roy *....Advocates*

For the State:
Mr. Sirsanya Bandopadhyay
Mr. Sandip Das Gupta
Ms. Mahima Cholera
Mr. Niket ojha *....Advocates*

1. The petitioner participated in the recruitment process of Assistant Teachers in SLST-1. The entire selection process stood nullified by the Hon’ble Supreme Court. The Court, however, directed that the candidates who do not fall within the category of tainted candidates and may have previously worked in the different departments of the State Government or with autonomous bodies will have the right to apply to their previous department or autonomous bodies to continue

with service with those entities. The applications have directed to be processed and the candidates to be allowed to resume their position.

2. The petitioner has been issued a recommendation letter but at a school which is far from his residence. Submission is that the authority should have permitted the petitioner to appear in the process of counselling so that the petitioner could have made a choice of the school where the petitioner may be appointed. Prayer has been made to direct the Commission to conduct counselling prior to their appointment.
3. The aforesaid submission of the petitioner is opposed by the learned advocates representing the respondents.
4. It has been submitted that counselling will neither be practicable nor possible as there are several candidates from various departments and autonomous bodies. There is no common merit list from which inter se seniority of the candidates can be assessed.
5. The authority is taking steps to repatriate the candidates to their original place of posting as much as possible. If the subject vacancy is not available, the candidates are recommended to the nearest place of their earlier place of posting.
6. Upon hearing the submissions made on behalf of all the parties and on perusal of the order passed on 3rd April, 2025 by the Hon'ble Supreme Court in **Special Leave Petition (Civil) No. 9586 of 2024** in the matter of **State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.**, it appears that the Hon'ble Supreme Court did not mandate the authority to accommodate the candidates at their preferred place of posting. The order only

mentions that the candidates will be allowed to resume their positions.

7. In the instant case, the position in which the candidate was working has been allowed to be resumed. In the absence of a common merit list, the inter se seniority of the candidates cannot be ascertained. There are different candidates who are to be repatriated to various departments or autonomous bodies. In such a situation counselling cannot be directed to be held. The authority contends that the candidates are being recommended to their earlier place of posting and if the earlier vacancy is not available, then the candidates are recommended to a place near to the earlier place.
8. The Court does not find any error on the part of the authority in not conducting the counselling process as alleged.
9. In view of the above, the Court is not inclined to exercise jurisdiction in the matter. The writ petition fails and is hereby dismissed.
10. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Amrita Sinha, J.)