

25-11-2025
Item No.11
Subrata
Bhattacharyya
AR(C)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
Appellate Side

WPA No.26357 of 2025
Saho Alam

-vs-

The State of West Bengal & Ors.

Mr. Anjan Bhattacharya, adv.
Ms. Anita Shaw, adv.
Ms. Seema Thakur, adv. ...for the petitioner

Mr. Swapan Kumar Datta, GP
Mr. Rajat Dutta, adv.
Mr. Rakesh Singh, adv. ...for the State

Mr. Kalyan Bandopadhyay, sr. adv.
Mr. Biswaroop Bhattacharya, adv.
Ms. Praniti Bandopadhyay, adv.
Mr. Arka Kumar Nag, adv.
Mr. Rahul Kumar Singh, adv. ...for WBCSSC

Ms. Koyeli Bhattacharyya, adv.
Ms. Bibek Dutta, adv. ...for WBBSE

1. The petitioner participated in the 1st SLST, 2016 recruitment process conducted by the West Bengal Central School Service Commission. Prior to being appointed being successful in the said selection process, the petitioner was serving in a school in Hooghly.
2. The entire selection process stood nullified by the order of the Hon'ble Supreme Court on April 3, 2025 in Civil Appeal arising out of Special Leave Petition (Civil) No.9586 of 2024 with several other civil appeals [State of West Bengal -vs- Baishakhi Bhattacharyya (Chatterjee) & Ors.]. The Court, however, ordered that the candidates who were

appointed and do not fall within the category of tainted candidates and have previously worked in different departments of the State Government will have the right to apply to their previous department to continue in service.

3. Submission of the petitioner is that he was at one point of time serving at a school in Hooghly, and as he has been repatriated, he should be appointed at the same school. The West Bengal Board of Secondary Education has issued appointment letter to the petitioner in respect of the school at Canning, South 24 Parganas.
4. The petitioner submits that he does not have any relationship with the school at Canning. His home town is at Hooghly. His previous school was in Hooghly. Prayer has been made to direct the Board to issue appointment letter in his favour in respect of the earlier school from where his service stood terminated.
5. Paragraph 47 of the judgment dated April 3, 2025 of the Hon'ble Supreme Court holds that the candidates whose appointments are cancelled will have the right to apply to their previous departments to continue in service. The said applications shall be processed by the respective departments and the candidates be allowed to resume their positions.
6. It appears that the Hon'ble Supreme Court was pleased to direct that the candidates will be allowed to resume their positions. There is no direction upon the authority to place the repatriated candidates in the same place of posting.
7. It has to be appreciated that the candidates, who lost their job in view of the order of the Hon'ble

Supreme Court on April 3, 2025, had vacated their earlier place of posting long back and the employer may have filled up the vacancy by some other candidates. It may not be possible for the employer to place the repatriated candidates at the earlier place of posting.

8. In view of the above, the prayer of the petitioner seeking direction upon the authority to recommend and thereafter issue appointment letter in the school from where his service stood terminated cannot be accepted.
9. The petitioner has been issued appointment letter in respect of the school at Canning. It will be open for the petitioner to join duty in furtherance to the appointment letter, if so advised.
10. The writ petition fails and is hereby dismissed.
11. However, in view of the fact that the petitioner cannot be faulted for cancellation of his appointment, as such, recommending his name to a school which is very far off from his residence will amount to punishing him unnecessarily. Accordingly, the Commission is directed to further verify the vacancy status and if any vacancy is found in any school near to the residence of the petitioner then option will be provided to the petitioner to join the same. Till such time, the vacancy status is verified the petitioner shall act in terms of the appointment letter impugned in the instant writ petition.
12. Affidavit of service filed in Court be taken on record.
13. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
14. Certified copy of this order, if applied for, shall be

made available to the parties.

[Amrita Sinha, J]