

W.P.A. 226 of 2025

Mukul Chandra Roy
Vs.
The State of West Bengal & Ors.

Mr. Sudipta Dasgupta
Mr. Saikat Sutradhar

...for the Petitioner

Mr. Supriyo Chattopadhyay
Mr. Manoj Kumar Mondal

...for the State

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

...for W.B.C.S.S.C

In the terms of the previous order dated 16th January, 2025, a report in the form of affidavit affirmed on 31st January, 2025 is filed today on behalf of West Bengal Central School Service Commission and same is taken on record. An exception to the report in the form of affidavit affirmed on 25th February, 2025 is filed on behalf of the petitioner and same is also taken on record.

Petitioner who participated in 12th Regional Level Selection Test (RLST), 2011 was initially not found to be successful for being appointed in the post of Assistant Teacher in a secondary school which prompted the petitioner to file a writ petition along with others being **WPA No.450 of 2013 (Md. Kamruzzaman & Ors. v. The State of West Bengal & Ors.)**. It is submitted that in terms of the order passed on 8th May, 2023 in a contempt petition being **CPAN 1050 of 2022 (Md. Kamruzzaman & Ors. v. Siddhartha Majumder, Chairman, West Bengal Central School Service Commission)** petitioner was found to be a candidate who

ought to have been selected for the post of Assistant Teacher on re-assessment of marks in written test in connection with 12th RLST, 2011. Though petitioner was recommended subsequently much after expiry of the panel on 24th March, 2015, on 11th August, 2023 and an appointment letter was also issued on 20th August, 2024; petitioner refused to join the recommended post on the plea that petitioner should have been granted opportunity to participate in the counseling for selecting the vacancy for his appointment. Since it has not been done, petitioner did not join the recommended post.

However, Mr. Dasgupta, learned advocate representing the petitioner submits that petitioner is presently working as Assistant Teacher in another school and if petitioner is offered post which is nearer to his place of residence, in that event, petitioner is willing to join the post.

Another limb of submission which has been advanced on behalf of the petitioner is untrained candidates were appointed on preparation of panel after conclusion of 12th RLST, 2011 and petitioner is a trained candidate. In the event petitioner is treated to be the last trained candidate in the select list, he should be given an opportunity to participate in counseling for selecting the post of his choice from the available vacancies.

By filing report, it is contended that right of the petitioner accrues upon giving effect to the order dated 29th June, 2022 passed by a Co-ordinate Bench in ***Md. Kamruzzaman & Ors.*** (supra) and on finding that petitioner being a candidate who on re-assessment of marks came within the zone of consideration recommendation letter as well as appointment letter were issued on 11th August, 2023 and 20th August, 2024. However, petitioner did not join the recommended post within the specified time which made the recommendation letter inoperative after a particular time.

While considering the prayer made in the writ petition, Court is required to find out the right of the petitioner which emanates from order dated 29th June, 2022 passed by a Co-ordinate Bench in ***Md. Kamruzzaman*** (supra) and subsequent order dated 8th May, 2023 passed on contempt petition being CPAN 1050 of 2022. In the order dated 29th June, 2022, the Co-ordinate Bench observed while disposing of the writ petition that all consequential benefits shall also follow to the candidates who obtained additional marks.

In the present case, petitioner's marks on re-assessment were enhanced and he was found to be a candidate who can be offered appointment in connection with 12th RLST, 2011. However, for violation of the order dated 29th June, 2022, a contempt petition being CPAN

No.1050 of 2022 was taken out by the petitioners wherein in paragraph 2 it was observed by the Co-ordinate Bench as follows:

“This Court is of the view that 63 candidates have been declared successful after the Court’s order dated 29th June, 2022. The Contempt Application need not be kept pending any further. Any individual cause of action as regards non qualification of the personality test, alleged non receipt/ service of notice of personality test and disclosure of marks may be agitated in a separate independent fresh writ petition.”

While considering the contempt petition, Co-ordinate Bench found 63 candidates were successful and today it is submitted on behalf of the petitioner that he was one of these 63 candidates. In spite of observation being made in order dated 29th June, 2022 that successful candidates would get consequential benefits, from the order passed in contempt petition dated 8th May, 2023, nothing has been found that a grievance was made before the Co-ordinate Bench that on being found successful those candidates including the petitioner herein should have been provided with opportunity to participate in counseling in order to select suitable vacancy.

It needs to be taken into consideration that pursuant to the order dated 29th June, 2022 passed by a Co-ordinate Bench, a special arrangement was made for

the petitioners in the writ petition being WPA No.450 of 2013 for re-assessment of their answer scripts and in the event candidates were found to have come within the zone of consideration they were required to be offered appointment upon recommending them. The panel which was prepared in connection with 12th RLST, 2011 expired on 24th March, 2015 and in order to grant relief to the petitioners such special benefits were granted to them pursuant to the order dated 29th June, 2022.

In the present case, from the submissions made on behalf of the petitioner it is found that he is already working in the post of Assistant Teacher in another school and he was in search of finding a school which was nearby to his place of residence.

Keeping this aspect in mind, this was required to be agitated before the Co-ordinate Bench at the time of consideration of the contempt petition in order to provide the petitioner or some other candidates opportunity to participate in counseling which was not done as it appears from the said order dated 8th May, 2023.

Subsequently, writ petition was filed on 3rd January, 2025 after the petitioner decided not to join the recommended post as per the recommendation memo dated 11th August, 2023 and appointment letter dated 20th August, 2024. Hence, no relief can be granted to the writ petitioner.

With the above observations, writ petition stands dismissed.

There shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)