

Form No. J(2)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

**CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

Present:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 1366 of 2025

Safikul Islam

-vs-

The Stat of West Bengal & Ors.

For the Petitioner	: Mr. Sudip Ghosh Chowdhury Mr. Soumyajit Laskar
For the State	: Mr. Bedashruti Bose : Mr. Kumar Shantanu
For the Commission	: Mr. Sunit Kumar Roy Ms. Susmita Mondal

Heard on : 31.07.2025

Judgment on : 31.07.2025

SAUGATA BHATTACHARYYA, J.:

- 1) Petitioner participated in two selection processes, namely, 1st State Level Selection Test, 2016 for Classes IX & X and also 1st

State Level Selection Test, 2016 (Upper Primary) for being appointed as Assistant Teacher in upper primary level of classes.

2) It needs to be recorded herein in view of submission made on behalf of the petitioner that petitioner was selected in both the selection processes for being counseled in order to offer job of Assistant Teacher in Classes IX & X in connection with 1st SLST, 2016 and Upper Primary Level of Classes in connection with 1st SLST, 2016 (Upper Primary).

3) Petitioner opted to be appointed as an Assistant Teacher in secondary section of a Government aided recognized school since according to the petitioner it was better opportunity for him to work as an Assistant Teacher in secondary section rather than working in Upper Primary Level of Classes as that would have been beneficial in terms of payment of salaries and other emoluments.

4) The selection process i.e. 1st SLST, 2016 for Classes IX & X has been set aside by the Hon'ble Supreme Court vide judgment dated 3rd April, 2025 delivered in State of West Bengal -vs- Baishakhi Bhattacharyya (Chatterjee) And Others with other matters. Subsequently, petitioner has approached this Court with the present writ petition in order to permit him to participate in the counseling process being an eligible candidate for being selected for the post of Assistant Teacher in upper primary level of classes

in view of petitioner's participation in 1st SLST, 2016 (Upper Primary).

5) In support of such contention relevant parts of the merit list are annexed to this writ petition at page 19.

6) On perusal of relevant parts of merit list, it appears that petitioner ranked 109th under OBC –A category.

7) It is submitted on behalf of the petitioner if without diluting merit petitioner comes within the zone of consideration he may be permitted to participate in the counseling. According to the petitioner, if he is not permitted to participate in 8th round of counseling which is scheduled to be held on 1st August, 2025, by organizing separate counseling subsequent to 8th round of counseling petitioner may be permitted to participate in the counseling.

8) In this regard, reliance is placed on an order dated 9th June, 2025 passed in a writ petition being WPA 9980 of 2025 (Mukti Biswas Vs. State of West Bengal & Ors.). Reliance is also placed on the order of a coordinate Bench dated 30th July, 2025 passed in WPA 9301 of 2025 (Sukumar Singh & Ors. Vs. The State of West Bengal & Ors.).

9) Mr. Roy, learned advocate representing the Commission appears on virtual mode and opposes the prayer of the petitioner to allow him to participate in the counseling in connection with 1st State Level Selection Test, 2016 (Upper Primary) since petitioner in

spite of being permitted to participate in the previous round of counseling did not turn up. It is also submitted at this stage if petitioner is permitted to participate in the counseling and if he comes within the zone of consideration that would make the entire process topsy-turvy.

10) Another limb of submission made on behalf of the Commission is if petitioner is permitted to participate in the counseling a candidate who has already been chosen for counseling would be ousted.

11) First before considering the issue raised in this writ petition, this Court needs to find out whether petitioner is untainted candidate or not in connection with the selection process of 1st SLST, 2016 for Classes IX & X since in terms of the judgment of the Hon'ble Supreme Court dated 3rd April, 2025 tainted candidates have no right to offer their candidature in fresh selection process.

12) In this regard, it is submitted on behalf of the petitioner that he has been permitted to continue as an Assistant Teacher till 31st December, 2025 which goes to show that till date petitioner has not been identified as tainted candidate in connection with 1st SLST, 2016 for Classes IX & X.

13) This Court needs to consider the issue in view of special facts and circumstances where petitioner has lost job since entire selection process i.e. 1st SLST, 2016 for Classes IX & X and XI &

XII has been set aside by the Hon'ble Supreme Court vide judgment dated 3rd April, 2025.

14) It needs to be taken into consideration that petitioner also participated in 1st SLST, 2016 for upper primary level of classes and where he was selected but he did not participate in the previous round of counseling since at the material point of time petitioner was working as an Assistant Teacher in secondary section on being selected in the selection process i.e. 1st State Level Selection Test, 2016 for Classes IX & X. Subsequently, petitioner has lost job after the said selection process has been declared illegal which triggered the present writ petition and a prayer is made to permit him to participate in the counseling process.

15) On query being posed to learned advocate representing the Commission whether petitioner can be accommodated in the counseling to be held on 1st August, 2025, learned advocate for the Commission submitted that in order to accommodate the petitioner counseling subsequent to 8th round of counseling shall be organized.

16) In view of aforesaid scenario, concerned authority of the West Bengal Central School Service Commission is directed to permit the petitioner to participate in the counseling which is to be organized by the concerned authority of the Commission if

petitioner comes within the zone of consideration in term of his merit position in the list and if petitioner is not tainted candidate.

17) The concerned authority of the Commission at the time of counseling shall verify credentials of the petitioner.

1) With the aforesaid observations and direction, writ petition stands disposed of.

2) Urgent photostat certified copy of this order, if applied for, be given to the parties on usual undertaking.

(Saugata Bhattacharyya, J.)

Court. 02
Item No.10 (D/L)
(Suvendu)