

27.02.2026
Item No.19
Court No.11
Avijit Mitra

MAT 17 of 2026
with
IA No.CAN 1 of 2026

Sudeb Shit
- versus -
State of West Bengal & ors.

Mr. Pratik Dhar, Sr. Adv.,
Mr. Kartik Kumar Ray,
Mr. Samir Halder,
Mr. Snehal Sinha,
Mr. Apurba Kolya
...for the appellant

Mr. Amal Sen, Ld. A.A.G.,
Mr. Sambuddha Dutta,
Ms. Debdooti Dutta
...for the State

Mr. Kalyan Bandopadhyay, Sr. Adv.,
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kumar Nag,
Mr. Rahul Kumar Singh
....for the WBCSSC

1. The present appeal has been preferred by the writ petitioner/appellant, namely, Sudeb Shit (in short, Sudeb) challenging a judgment dated 22nd December, 2025 passed in a writ petition being WPA 29125 of 2025 preferred primarily praying for issuance of necessary directions upon the West Bengal Central School Service Commission (in short, the Commission) to re-open it's portal for updating the writ petitioner's category as a Scheduled Caste

(in short, SC) candidate in the ongoing selection process of 2nd SLST, 2025.

2. Records reveal that the Commission issued an advertisement on 30th May, 2025. Responding thereto, Sudeb applied for the post of Assistant Teacher for classes XI –XII for the subject of Statistics (PG) using the online portal and depositing an amount of Rs.200/- towards application fees, as stipulated for SC candidate. He was thereafter issued a provisional admit card to appear in an OMR based written examination held on 14th September, 2025. In the midst thereof, on 24th June, 2025 the Commission published a notice mentioning that having regard to orders which may be passed in Special Leave Petition (Diary No.34016 of 2025 State of West Bengal vs Amal Chandra Das & Ors.), the category details are not being collected and will be collected in due course prior to the application being processed and that the candidates who may have already submitted category details may be required to re-submit category details. A further notice was published by the Commission on 30th July, 2025 stating that in view of the order dated 28.07.2025 passed by the Hon'ble Supreme Court in SLP (C No.17422 of 2025 (State of West Bengal vs Purabi Das & Ors.) and other connected matters the online

portal will be open for collection of category details from 5th August, 2025 to 11th August, 2025. It was further stated in the said notice that the candidates will have to login and choose the edit option and then the candidates will have to select category from the dropdown menu and the candidate will have to specify his sub-category. Again a notice was issued by the Commission on 5th August, 2025 stating that all candidates, irrespective of their category, are required to mention their category (Caste/Class/EWS/PH etc.). It was further clarified that only candidates from OBC category are required to mention their sub-category from the dropdown box provided in the website and others (including General candidates) will mention their category only. A further notice was published by the Commission on 22.09.2025 stating that in case any candidate fails to update his/her category within 26.09.2025, the category of such candidate would be treated as General.

3. It has been primarily argued by Mr. Dhar learned senior advocate appearing for the appellant that Sudeb has been illegally thrown out of the zone of consideration due to arbitrary conversion of his candidature from SC to General category and in view of the observation of the Hon'ble Appeal Court that

authorities would be at liberty to deal with the cases of candidates who had not filed writ petition within 2.30 p.m. on 17.12.2025, in accordance with law, the Commission was under an obligation to consider Sudeb's representation dated 17.12.2025.

4. *Per contra*, Mr. Bandopadhyay learned senior advocate appearing for the Commission has strenuously argued that the appellant did not edit his category details in spite of repeated opportunities granted by the notices dated 24.06.2025/30.06.2025/05.08.2025/22.09.2025 and did not file the writ petition within 16.12.2025 and that as such they cannot be allowed any fresh opportunity moreso when interview is over.

5. Admittedly Sudeb did not file any writ petition within 2:30 p.m. on 16.12.2025. He filed the writ petition thereafter on 18.12.2025. The learned single Judge in the order impugned in the present appeal was of the view that Sudeb is similarly situated with the writ petitioners in WPA 26937 of 2025 and having not filed the writ petition within the time specified cannot be permitted to change his category at this belated stage in view of the directions of the Hon'ble Division Bench as contained in the judgment dated 16.12.2025.

6. In the judgment dated 27.11.2025 the learned single Judge arrived at the following findings:

a. The petitioners therein in terms of the advertisement and depositing the fees specified for ST and SC, applied for participation and they never intended either to update or edit the category details disclosed at the time of filing of the application;

b. All the notices dated 12.06.2025, 30.07.2025 and 25.08.2025 were issued referring to the orders passed by the Hon'ble Supreme Court in the cases of State of West Bengal vs Amal Chandra Das & Ors. and State of West Bengal vs Purabi Das & Ors. and the said notices did not deal with the SC, ST or PH category candidates;

c. The Court observed that the rider in the notice dated 22.09.2025 to the effect that *'in case any candidate fails to update his/her category within 26.09.2025, the category of such candidate would be treated as General'*, cannot be comprehended;

d. The Commission cannot *suo moto* treat a reserved category candidate as General category candidate despite the candidate's disclosure of being a member of a particular reserved category.

7. In the judgment dated 16.12.2025 delivered by a co-ordinate Bench, none of the findings arrived

at by the learned single Judge were considered and there is no observation that such findings are erroneous. In paragraphs 1 to 10 of the judgment dated 16.12.2025, the arguments advanced by the parties have been recorded and the contents of paragraph 11 would reveal that the Court suggested that the appellants should open the portal till 6 p.m. on 17.12.2025 and allow every writ petitioner who had filed the writ petitions up to 2.30 p.m. on 16.12.2025 to update their categorization. Contents of paragraph 12 would reveal that such suggestion was agreed to by the appellants. The contents of paragraphs 14 and 15 would reveal that the Court was apprised of a fact that many similar matters were pending in the list and on the request of the bar the Court allowed all the writ petitioners who had filed the writ petitions till 2.30 p.m. on 16.12.2025 to avail of the same facility. Thereafter in paragraph 18 the Court recorded that in the circumstances of the case and for the ends of justice the Commission needs to open the portal for updating the categorization of the candidates with a clarification in paragraph 20 that *‘this measure is limited to a person who approached this Court on this issue till 2.30 p.m. today’* and that the authorities would be at liberty to deal with such of the

candidates, who are not governed by the order, in accordance with law.

8. The directions issued by the Court can normally be categorized into one, in the nature of molding of relief and the other, as the declaration of law. The coordinate Bench upon acceptance of its suggestion by the Commission and at the request of the Bar directed that the relief is limited to persons who approached the Court on the said issue till 2:30 p.m. on 16.12.2025 with a further observation that authorities would be at liberty to deal with such of the candidates who are not governed by the order in accordance with law.

9. The said judgment dated 16.12.2025, in our opinion, do not comprise the ratio decidendi and therefore lose its basic premise of making it a binding precedent. No point of law has been decided or declared in the judgment dated 16.12.2025. The directions were issued only when the suggestion of the Court was accepted by the appellants and at the request of the bar.

10. It cannot be argued that the time period was inflexible for all candidates who applied in the category of SC/ST/PH. In such categories there was no requirement of any sub-categorization. Such sub-categorization is only restricted to OBC category

candidates. All the notifications were issued by Commission specifying reliance upon the orders passed by the Hon'ble Supreme Court in a matter dealing with reservation of OBC category candidates. In view thereof, we are of the opinion that the Commission could not have incorporated a rider in the notice dated 22.09.2025 that in the event candidates failed to update his/her category within 26.09.2025, category of such candidates would be treated as general. No explanation is forthcoming as to why such candidates would be treated as general when they applied disclosing his/her own category as SC/ST/PH. The Commission on its own appears to have adopted a procedure altering the instructions in the brochure that Category would be the candidate's own category.

11. As per Rules, 10 marks are allotted for educational qualification, 10 marks for experience, 60 marks for OMR examination and 20 marks for interview-cum-lecture demonstration. For educational qualification, experience and OMR examination, Sudeb secured 49 marks in total. From the documents produced, it appears that for five vacancies in the SC category for the post of Assistant Teacher in Statistics (PG), the last candidate called for counseling has secured 42.25 marks in total

after interview. In the event, Sudeb had been allowed to participate in the interview, he would have certainly come within the zone of consideration for appointment to the post of Assistant Teacher in Statistics (PG). We have been informed that the interview is over, however, counseling for candidates of the said subject have not yet started. In such circumstances, the grant of an opportunity to Sudeb to appear in the interview cannot be construed to be a benediction impelled by sympathetic consideration.

12. For the reasons discussed above, we set aside the order impugned in the present appeal and direct the Commission to conduct the interview of Sudeb upon constituting an interview board within a period of 7 days from date and in the event he comes within the zone of consideration, he shall be allowed to participate in the counseling process along with the other selected candidates. Till such completion of interview, the Commission shall not proceed with counseling pertaining to the post of Assistant Teacher in Statistics (PG) for the classes XI-XII under SC category. Such direction would not prejudice the candidates selected for counseling since this Court has been informed that such

counseling may commence from the second week of March, 2026.

13. With such observations and directions, the appeal and its connected application are disposed of.

14. There shall, however, be no order as to costs.

15. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.)

(Tapabrata Chakraborty, J.)