

FMA 115 of 2026
with
IA No. CAN 1 of 2026
(Mahmooda Khatun & Anr. Vs. The State of
West Bengal & Ors.)

Mr. Shuvro P. Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal
...for the Appellants

Mr. Kushal Das
... for the State

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. R. K. Singh
...for the WBCSSC

Mr. Lahiri, learned advocate appearing for the appellant no.1 submits, upon instruction, that the appellant no.1, namely, Mahmooda Khatun does not want to proceed with the appeal and its connected application. Let the written instruction, as placed, be kept on record.

In view thereof, the present appeal and its connected application, so far as the appellant no.1, is concerned, are dismissed as '*not pressed*'.

The present appeal has been preferred challenging a judgment dated 19th December, 2025 passed by the learned single Judge in the writ petition being WPA 26633 of 2025 which was preferred by Purnendu Mandal (in short, Purnendu) along with others primarily praying for issuance of necessary direction

upon the respondents to rectify the application for appointment to the post of assistant teacher by changing the medium from English to Bengali. By the impugned judgment, the learned single Judge refused to exercise discretion in favour of Purnendu observing, *inter alia*, that Purnendu is not an illiterate person and he did not approach the Commission for switching over from English to Bengali as medium of instruction prior to commencement of the written test.

Mr. Lahiri, learned advocate appearing for Purnendu strenuously argues that the learned single Judge erred in law in not appreciating that in view of the confusing contents of Clause 7 the notification dated 30th May, 2025, Purnendu opted for English as the medium of instruction. A perusal of Clause 7 of the said notification would reveal that the question papers were being set in English and Bengali and that candidates would be allowed to apply under any one medium of instruction for the post of assistant teachers and in view thereof there can be no bar in changing the medium of instruction from English to Bengali moreso when Purnendu had no intent to obtain any favour.

He further submits that in an identical matter being WPA 26476 of 2025, the learned single Judge exercised discretion in favour of the writ petitioner

therein and there had been innumerable instances where mistakes committed by the candidates have been allowed to be rectified by the Commission. In view thereof, the Commission ought not to have applied a different yardstick in the case of Purnendu. In support of such contention Mr. Lahiri has drawn our attention to several documents annexed in the supplementary affidavit. Let the said supplementary affidavit, as filed, be kept on record.

Mr. Bhattacharya, learned advocate appearing for the Commission denies and disputes the contention of Mr. Lahiri and submits that Purnendu consciously applied for English as the medium of the instruction, as would be explicit from the document, as annexed at page 64 of the stay application. It is not a case that Purnendu was misled by the provisions incorporated in the notification dated 30th May, 2025. In view thereof, the learned single Judge rightly refused to exercise discretion in favour of Purnendu.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

An appellate power interferes not when the order appealed is not right but only when it is clearly wrong. A Court of Appeal should not ordinarily interfere with the discretion exercised by the Courts below.

Indisputably, Purnendu submitted his application choosing English as the medium of instruction and thereafter upon participation in the examination process, he preferred the writ petition placing reliance upon a representation dated 15th November, 2025 stating that *‘during the submission of my application, the medium was mistakenly selected as English, whereas I intend to apply in the Bengali medium’*. It is, thus, not a case that Purnendu was misled by the contents of the notification dated 30th May, 2025. Having consciously chosen a medium of instruction at the time of submission of the application for the participation in the selection process, Purnendu was rightly not allowed to change his medium of instruction subsequently.

The learned single Judge upon dealing with the factual aspects arrived at specific findings and we do not find any error in the same.

Accordingly, the appeal and the connected application are dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official website of this court.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)