

27.02.2026
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MAT 127 of 2026

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IA No.: CAN 1 of 2026 [Sec. 5]

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IA No.: CAN 2 of 2026 [Stay]

Sonali Das

- Versus -

The State of West Bengal & Others

Mr. Bikash Ranjan Bhattacharya,
Mr. Soumya Majumder,
Mr. Vishak Bhattacharya,
Ms. Ruchira Chatterjee,
Ms. Biyanka Bhattacharya
... for the Appellant.

Mr. A. Chattopadhyay,
Ms. L. Chatterjee
... for the State/Respondents.

Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. Arka Kr. Nag,
Mr. R. K. Singh
... for the WBCSSC.
Ms. Koyeli Bhattacharyya
... for the WBBSE.

Affidavit-of-service, as filed, be kept on record.

In spite of service no one appears on behalf of the respondent nos. 4.

Upon hearing the learned advocates appearing for the respective parties and considering the materials on record, we are satisfied with the explanation given towards the delay in filing the present appeal. Accordingly, such delay is condoned and the application, being IA No.: CAN No. 1 of 2026 is disposed.

The present appeal has been preferred challenging an order dated 27th November, 2025 passed by the learned single Judge in a writ petition, being WPA 4155 of 2023 along with an application for stay being IA No.: CAN No. 1 of 2026.

Records reveal that in the writ petition initially an order was passed on 24th April, 2025 observing *inter alia* that in view of the judgment of the Hon'ble Supreme Court in the case of *State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.* in Civil Appeal No.4805 of 2025, *prima facie*, there is no scope to consider the prayer of the petitioner. However, taking note of the submission made on behalf of the writ petitioner that the writ petition may be kept pending enabling the writ petitioner to approach the Hon'ble Supreme Court for an appropriate order, the matter was kept pending and was directed to go out of the list with liberty to mention. Subsequent thereto, the writ petitioner approached the Hon'ble Supreme Court by a Special Leave Petition, being SLP (Civil) No.16599 of 2025. The said SLP was disposed of by an order dated 25th August, 2025 observing *inter alia* as follows:

‘Perusal of the impugned order reflects that the High Court was of the opinion that the writ petition filed by the appellant, Sonali Das, did not warrant consideration on merits owing to the judgment of this Court in State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) and batch.

However, we find that the writ petition in question was filed long before the adjudication of the matter by the Division Bench of the High Court, which came to be confirmed by this Court in the aforestated batch of cases.

The grievance of the appellant that she was not liable to be treated as a tainted candidate was not adjudicated either by the Division Bench of the High Court or by this Court. The said issue, therefore, remained open for adjudication by the High Court in the writ petition filed by the appellant.

We, accordingly, dispose of the present appeal, permitting the appellant to pursue her pending writ petition and seek redressal of her grievance(s) before the High Court. It is also left open to her to seek appropriate interim relief therein in accordance with law.

Pending application(s), if any, shall stand disposed of.’

The writ petition thereafter came up for hearing before the learned single Judge on 27th November, 2025 and upon hearing the learned advocates appearing for the respective parties, the writ petition itself was dismissed with an observation that:

‘At this stage, passing any order observing that the name of the petitioner was wrongly incorporated in the list of tainted candidates will be highly improper and amount to pre-judging the issue.’

Mr. Bhattacharya, learned senior advocate appearing for the writ petitioner/appellant submits that the learned single Judge having observed that *‘at this stage’* the issue as to whether the name of the appellant was wrongly incorporated in the list of tainted candidates would be improper and would amount to pre-judging the issue, ought not to have dismissed the writ petition itself.

Mr. Biswaroop Bhattacharya, learned advocate enters appearance on behalf of the Commission and denies the contention of the appellant.

In the order dated 25th August, 2025 the Hon’ble Supreme Court observed that the writ petition was filed long before the adjudication of the matter by the Division Bench of the High Court in the case of *State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee)* which was subsequently confirmed by the Hon’ble Supreme Court in a batch of cases and that as such the Hon’ble Supreme Court was of the opinion that

the issue urged by the appellant that she was not liable to be treated as a tainted candidate remained open for adjudication by the High Court in the writ petition filed by the appellant.

In view of such direction of the Hon'ble Supreme Court, in our opinion, the learned single Judge ought not to have dismissed the writ petition itself without calling for affidavits from the respective parties and hearing the matter on merits.

The order impugned in the present appeal is thus not sustainable and is, accordingly, set aside and this Court remands the matter to the learned single Judge for hearing the same on merits.

Mr. Bhattacharya, learned senior advocate submits that the appellant has already lost her job and she has been stigmatized as a tainted candidate. In such circumstances, he prays for issuance of necessary direction upon the learned single Judge for expeditious disposal of the writ petition.

Having heard the learned advocates, we direct the respondents to file their affidavits-in-opposition to the writ petition within a period of three weeks. Replies thereto, if any, be filed within a week thereafter.

Upon expiry of such period towards exchange of affidavits, the parties would be at liberty to mention the matter before the learned single Judge for final hearing and we request the learned single Judge to decide the writ petition on merits as expeditiously as possible without granting any unnecessary adjournments to either of the parties.

With the above observations and directions, the appeal and the application for stay, being IA No.: CAN 2 of 2026 are disposed of.

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

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.)