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18.03.2026
Ct No.11
KCP

MAT 131 of 2026
with
IA No. CAN 2 of 2026
(Ms. Sanjukta Sasmal Vs. The State of West
Bengal & Ors.)

Mr. Bikash Ranjan Bhattacharya, Sr. Adv.
Mr. Soumya Majumder, Sr. Adv.
Mr. Vishak Bhattacharya
Ms. Ruchira Chatterjee
Mr. Biyanka Bhattacharya
... For the appellant

Mr. Swapan Kr. Datta, GP
Mr. Supriyo Chattopadhyay, AGP
Ms. Iti Dutta
..... For the State respondents

Mr. Biswaroop Bhattacharya
Mr. Rahul Kumar Singh
..... For the W.B.C.S.S.C.

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
..... For the W.B.B.S.E.

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

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 4015 of 2023 which was preferred by the writ petitioner, namely, Sanjukta Sasmal (in short, Sanjukta) challenging *inter alia* a memo dated 22nd December, 2022 issued by the West Bengal Central School Service Commission. The said writ petition was initially heard and admitted by an order dated 14th March, 2023

recording the submission made on behalf of the Commission that *‘in the list published in the website of the Commission on December 22, 2022, though the subject score of the petitioner has been shown as 33 but on new evaluation such score is reduced to 32, consequently the total score of the petitioner reduced to 76.05 from 77.05, however, even after such reduction the score of the petitioner since is above the score of the last recommended candidate in her gender, the Commission, at this stage without conducting further enquiry in the matter has no intention to proceed with the said notification so far as it relates to the petitioner’.*

Subsequent thereto, the writ petition was finally heard and was dismissed by an order dated 27th November, 2025 observing *inter alia* that *‘fact remains that the Commission was compelled to publish the list of tainted candidates which has been done after obtaining detailed inputs from the CBI. Criminal proceeding is pending consideration. 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 appellant argues that in the case of *Sonali Das vs. State of West Bengal & Others*, the

Hon'ble Supreme Court disposed of the appeal permitting Sonali to pursue her pending writ petition and seek redressal of her grievances before the High Court. Sanjukta's claim is identical to that of Sonali Das, inasmuch as Sanjukta also preferred the writ petition long before adjudication of matter [*State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee)*] by the Division Bench of the Hon'ble High Court. Such argument, as advanced, was glossed over by the learned single Judge and the writ petition was dismissed on the ground that a '*criminal proceeding is pending consideration*'.

He further argues that the adjudication of the *lis* as to whether the appellant is a tainted candidate needs to be finally decided, however, without even inviting affidavits from the parties, the learned single Judge erroneously dismissed the writ petition. A similar order of dismissal passed in the case of Sonali Das was interfered with and this Court remanded the matter to the learned single Judge for hearing on merits upon exchange of affidavits.

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 passed in the case of *Sonali Das (supra)*, 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 and as Sanjukta's claim is identical to that Sonali Das, in our opinion, the learned single Judge ought not to have dismissed the writ petition without calling for affidavits from the respective parties and hearing the matter on merits.

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

Mr. Bhattacharya 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 two weeks 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.)