

18-02-2026  
Item No.59  
Subrata  
Bhattacharyya  
AR(C)

**IN THE HIGH COURT AT CALCUTTA**

Constitutional Writ Jurisdiction  
Appellate Side

**WPA No.2090 of 2026**  
**Dhananjoy Mondal & Ors.**

**-vs-**

**The State of West Bengal & Ors.**

Mr. Bikram Banerjee  
Mr. Sondwip Sutradhar                      ...for the petitioners

Ms. Deboleena Ghosh                      ...for the State

Ms. Saswati Chatterjee                      ...for the Board

Ms. Pramiti Bandopadhyay  
Mr. Rahul Kumar Singh                      ...for the Commission

1. Twenty-five petitioners participated in 2<sup>nd</sup> SLST, 2025. They are the job losers in the 2016 recruitment process. Their names do not feature in the list of tainted candidates published by the Commission.
2. The petitioners submit that by virtue of the application of the new Recruitment Rules, 2025, they are adversely affected.
3. Reliance has been placed on the order passed by the Hon'ble Supreme Court on November 26, 2025 in Bibek Paria -vs- State of West Bengal & Ors. wherein the Court directed that the High Court shall be mindful of the fact that the untainted candidates in the past selection process are allowed to sit for the selection test to be held afresh and their candidature cannot be adversely affected by the application of the new Rules.
4. It has been submitted that it is only after order

was passed by the Hon'ble Supreme Court in November, 2025, that the petitioners challenge the new Rules relying on which the recruitment process is being conducted.

5. Learned counsel for the petitioners submits that the petitioners have been found to be unsuccessful in the verification stage in the 2025 recruitment process.
6. Prayer has been made seeking declaration that the Rules of 2025 will not be applicable in respect of the untainted candidates of the 2016 recruitment process.
7. The prayer of the petitioners has been opposed by the Commission. It has been submitted that the petitioners participated in the recruitment process but on being unsuccessful they have challenged the same.
8. In support of the said submission, the Commission relies upon a judgment passed by the Hon'ble Supreme Court in the matter of ***Gujarat Public Service Commission -vs- Gnaneshwary Dushyankumar Shah & Ors.*** reported in ***2026 SCC OnLine SC 93*** wherein the Court held that it is a settled principle that a candidate having participated in the selection process, without protest, cannot challenge the Rules of the Commission after being declared unsuccessful.
9. Upon hearing the submission made on behalf of both the parties and on perusal of the materials placed before this Court, it appears that the petitioners participated in the recruitment process clearly knowing that the same was being conducted relying on the fresh Recruitment Rules of 2025. There are substantial changes in the

2025 Rules.

10. The petitioners did not protest either at the time of filing the application form or immediately thereafter. The petitioners took a calculated chance to appear in the written test. Thereafter when they could not succeed at the time of credential verification, they chose to challenge the Recruitment Rules relying on which the recruitment process is being conducted.
11. The alibi given by the petitioners that the cause of action arose after the order was passed by the Hon'ble Supreme Court on November 26, 2025 also does not come to the aid of the petitioners as the instant writ petition has been filed more than two months after the order was passed by the Hon'ble Supreme Court.
12. Had the petitioners approached the Court immediately after the order was passed by the Hon'ble Supreme Court, then the issues raised by the petitioners could have been looked into. At this stage, when the selection process is nearing completion, challenge to the Rules cannot be entertained.
13. The writ petition fails and is hereby dismissed.
14. All parties are to act on the server copy of this order duly downloaded from the official website of this Court.
15. Certified copy of this order, if applied for, shall be made available to the parties.

[Amrita Sinha, J]

