

28.04.2026
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WPA 3767 of 2026

Archana Sau & Ors.
Vs.
The State of West Bengal & Ors.

with

WPA 4154 of 2026

Saswati Chatterjee & Ors.
Vs.
The State of West Bengal & Ors.

Mr. Kallol Basu
Mr. Yudhisthir Maity
.... for the petitioners in
WPA 3767 of 2026

Mr. Kallol Basu
Mr. Vishak Bhattacharya
Ms. Ruchira Chatterjee
Ms. Biyanka Bhattacharya
Ms. Shreejita Sen
.... for the petitioners in
WPA 4154 of 2026

Mr. Vivekanda Bose
Mr. Arkadipta Sengupta
.... for the State in
WPA 3767 of 2026

Mr. Sagnik Chatterjee
Ms. Sahina Sumi
.... for the State in
WPA 4154 of 2026

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharya
Mr. Sunit Kumar Roy
Ms. Pramiti Bandopadhyay
Mr. Arka Nag
Mr. Rahul Singh
.... for the WBCSSC in
WPA 3767 of 2026

Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharya
Ms. Pramiti Bandopadhyay
Mr. Arka Nag
Mr. Rahul Singh
.... for the WBCSSC in
WPA 4154 of 2026

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta

.... for the WBBSE in
WPA 3767 of 2026

Mr. Kunal Ganguly

..... for the WBBSE in
WPA 4154 of 2026

1. These Writ Petitions have been filed by a group of candidates who claimed to be untainted. Hence they seek repatriation to their old post in which they were serving.
2. The short conspectus of facts in this case is as under:
 - i. The petitioners have participated in the State Level Selection Test, 2016 (hereinafter SLST 2016) for selection of Assistant Teachers of Classes 9, 10, 11 and 12. They were successful candidates and had been given employment.
 - ii. The SLST 2016 was challenged and was quashed and/or annulled by successive decisions of a Single Judge of this High Court, the Division Bench dated April 22, 2024, and then the Hon'ble Supreme Court of India by its judgment and order dated April 3, 2025.
 - iii. The petitioners pursuant to such direction had made representations for re-joining their previous posting including formal requests which were, however, not acceded to.

- iv. The petitioners had thereafter participated in the State Level Selection Test, 2025 (hereinafter second SLST 2025), conducted in pursuance of the recruitment notification dated April 30, 2025 issued by the Commission.
- v. Pursuant to the order of the Hon'ble Supreme Court of India dated August 28, 2025, whereby the Commission had been directed to publish a list of all tainted candidates, the same was published on August 30, 2025, wherein the names of these petitioners were included.
- vi. As a result thereof, the petitioners' admit cards stood revoked and they were unable to participate in the second SLST 2025.
- vii. The petitioners had thereafter filed Writ Petitions praying for directions to the respondent authorities to process their applications and resume their duties in their respective postings made pursuant to the first SLST 2016.
- viii. Needless to say, the said Writ Petitions were dismissed on November 24, 2025 as the petitioners were included in the list of tainted candidates.

- ix. The list of tainted candidates was published in a more comprehensive manner on January 28, 2026 wherefrom the petitioners' names appeared as tainted candidates on account of "OMR Mis-Match".

3. It is in this aforesaid conspectus of facts that the petitioners have now approached this Court by way of these Writ Petitions limiting their prayers to repatriation to their respective posts.

4. Mr. Kallol Bose, learned advocate appearing for the petitioners, has made the following submissions:

a. The grounds of taint as specified in the judgment of the Hon'ble Division Bench dated April 22, 2024 are limited to three grounds. The said three grounds are as under:

- i. persons who have been tainted outside the panel;
- ii. persons tainted after the expiry of the panel; and
- iii. persons who have submitted blank OMR sheets to obtain appointments.

b. The petitioners not falling within the fold of any of the aforesaid three grounds cannot be construed as

tainted candidates and are hence entitled to be repatriated to their original postings in terms of SLST 2016.

c. The rights of the petitioners have been protected by the Hon'ble Supreme Court vide its order dated May 3, 2025, which provides as follows: "Some of the appointed candidates who do not fall within the category of tainted candidates may have previously worked in different departments of the State Government or with autonomous bodies, etc. In such cases, although their appointments are cancelled, these candidates will have the right to apply to their previous departments or autonomous bodies to continue in service with those entities."

d. Thus, petitioners are well within their rights to seek repatriation to their parent posting in terms of the SLST 2016.

5. Mr. Bhattacharya, learned advocate appearing for the respondents/Commission, made the following submissions:

a. The petitioners are all tainted candidates, irrespective of the grounds on which they have been found to be tainted.

b. The Commission has merely acted on the report filed by the CBI, which clearly and unequivocally held that the petitioners are tainted in view of the discrepancies of marks in the OMR sheet with published

result. Thus, these petitioners have no right to be classified as untainted.

c. If they are not untainted, they are necessarily tainted and fall within that category of persons who cannot participate in the second SLST 2025 but will not be entitled to any benefit in terms of the order of the Hon'ble Supreme Court of India.

d. It is true that three grounds were specified by the Hon'ble Division Bench, the same has been slightly enlarged in view of the Commission's admissions as recorded in paragraphs 23 and 25 of the order of the Hon'ble Supreme Court of India dated April 3, 2025.

e. The admission relates to, in addition to the three grounds as set forth by the Division Bench, a fourth ground, which has been recorded as "manipulation of OMR Scores". Thus, the petitioners clearly fall within this ground and are clearly tainted and cannot at this stage be granted any benefit, let alone any repatriation.

f. This issue has already been decided by a Co-ordinate Bench of this Hon'ble Court on September 2, 2025, disallowing such candidates who have been marked as tainted candidates to put forth any rights in so far as their postings are concerned. That order of September 2, 2025 was carried in appeal and was dismissed on September 4, 2025 holding in no uncertain terms that

candidates who are part of the tainted list cannot be permitted to take advantage of the order of the Hon'ble Supreme Court in any manner whatsoever.

g. The said order of the Division Bench dated September 4, 2025 was also carried in appeal before the Supreme Court, which was dismissed on September 12, 2025. Thereafter several other writ petitioners similarly situated had also tried their luck, but failed miserably.

h. Relying on this judgment the petitioners cannot be permitted to re-agitate the same issue, which has already been conclusively decided by this Hon'ble Court, by way of its dismissal dated November 24, 2025 in WPA No. 22103 of 2025.

6. I have heard learned counsel appearing for the parties at length and gone through the records including the decisions of the Hon'ble Division Bench of this Court and the Hon'ble Supreme Court of India.

7. The issue which is required to be ironed out at the inception is that the petitioners are not challenging the fact that they have been disallowed to participate in the second SLST 2025, all that they are seeking is repatriation to their parent posting made in terms of the SLST 2016. By doing so, the first issue that the petitioners admit, is the fact that their names had appeared in the list of tainted candidates

published by the Commission on August 30, 2025, which was merely refurbished on January 28, 2026.

8. Once they admit to this fact, the connected issue whether they can be repatriated to their original post in terms of SLST 2016 loses much of its efficacy. The moment the petitioners admit that they are part of the tainted list, they cannot be permitted to seek any concession in terms of the order of the Hon'ble Supreme Court of India dated April 3, 2025. In fact, there is no concession given to the tainted candidates under the aforesaid order.

9. Adverting to the question whether the grounds of mis-match in the OMR sheets can be construed as a ground for labelling the petitioners as tainted candidates, it would be worthwhile to consider at least two issues, which have been mentioned, first in the order of the Hon'ble Division Bench of this Court dated April 22, 2024 in paragraph 363(ii) which records as follows: "363(ii) All appointments granted in the selection process involved being violative of Article 14 and 16 of the Constitution of India are declared null and void and cancelled." Second, in the order dated April 3, 2025 passed by the Hon'ble Supreme Court of India which records that the Commission had admitted "manipulation of the OMR scores", to be a fourth ground which could enable identification of tainted candidates, which has been supported by table 2 at paragraph 25 of the said Order.

10. Clearly the appointment of persons on the basis of OMR mis-match is a clear indication that such OMR scores have been manipulated. Thus, these appointments are clearly violative of Article 14 and 16 of the Constitution and were declared as null and void by the Division Bench of this Court dated April 22, 2024, which was upheld by the Hon'ble Supreme Court with an addition thereto by its order of April 3, 2025.

11. The submission of the petitioners that they have been working for a considerable period of time and are entitled to the protection afforded by the order of the Hon'ble Supreme Court of India dated April 3, 2025 at paragraph 47 is completely self-defeating, as the opening sentence of the said paragraph makes it explicit that the appointed candidates who are entitled to be repatriated to their previous posts are “those who do not fall within the category of tainted candidates”.

12. The petitioners are squarely within the domain of tainted candidates and cannot under any circumstances be held to be untainted, merely on the supposition as made by the learned counsel appearing for the petitioners that the grounds on which they have been declared as tainted do not form a ground in the order passed by the Hon'ble Division Bench of this Court dated April 22, 2024.

13. It is also important to note that earlier writ petitions by these petitioners seeking almost the same prayers have

already been dismissed by this Hon'ble Court which fact has been admitted by the petitioners in paragraphs 6 and 7 of the Writ Petition.

14. The order of the Hon'ble Supreme Court of India in SLP (C) No. 19915 of 2025 dated March 25, 2026 merely grants a right to seek enforcement of the direction passed earlier by the High Court. All issues were kept open for consideration, including the locus of the petitioners in invoking the jurisdiction as well as the maintainability of the proceeding instituted by them. The petitioners, having failed once (dismissal order dated November 24, 2025), cannot be permitted to continuously re-agitate the same issue before this Court.

15. Hence, the issue raised herein is also completely barred on the ground of res judicata. The petitioners have not pleaded any ground as to why and how these writ petitions can be differentiated from the Writ Petitions filed by them on an earlier action which has been dismissed on November 24, 2025, in any manner save and except that the refurbished list of January 28, 2026 contains the personal details of the petitioners and the fact that they fall under the category "OMR Mis-match".

16. If the petitioners have been branded as tainted candidates due to "OMR Mis-Match" the same is clearly within the domain of manipulation of OMR scores, one of the grounds which had been specifically admitted by the

Commission before the Hon'ble Supreme Court of India as recorded in the order dated April 3, 2025.

17. I am not inclined to entertain these writ petitions in view of the following :

- (a) The petitioners are all tainted candidates which has been found in the list published on August 30, 2025, which was subsequently refurbished giving the grounds on which such candidates were held to be tainted on January 28, 2026;
- (b) The petitioners have been labelled as tainted candidates in view of the mismatch found in the respective OMR sheets and the published result. This mismatch clearly tantamount to manipulation of the OMR scores. Thus, the petitioners cannot claim enforcement of any part or portion of the order passed by the Hon'ble Supreme Court of India on April 3, 2025.
- (c) The appointments of the petitioners are clearly in violation of Articles 14 and 16 of the Constitution of India and have been declared as null and void, particularly since the petitioners were found to be tainted candidates in the judgment of the Division Bench of this Hon'ble Court dated April 22, 2024, which was subsequently upheld by the Hon'ble Supreme Court of India;

- (d) The petitioners had earlier filed a writ petition, identical to the present one, seeking repatriation of the petitioners to their parent posts, in which they were working pursuant to SLST, 2016;
- (e) This issue was conclusively decided by this Hon'ble Court in the earlier writ petition on February 24, 2025 by a co-ordinate Bench of this Hon'ble Court, which has not been carried in appeal and has presently attained finality;
- (f) This issue is completely barred by the principles of res judicata and cannot be re-agitated merely on the ground that a refurbished list of tainted candidates was published on January 28, 2026.

18. The list of tainted candidates, published on August 30, 2025, as refurbished on January 28, 2026, contained the names of the petitioners which have not been challenged by the petitioners at any stage. Mere refurbishment of the list disclosing the grounds as to why the petitioners were to be considered as tainted candidates, cannot give a fresh right to the petitioners to challenge the refusal of repatriation by the Commission.

19. In view of the aforestated discussion and finding, the writ petitions are dismissed.

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

21. Urgent photostat certified copy of this order, if applied for, be supplied to the parties on usual undertaking.

(Reetobroto Kumar Mitra, J.)