

24.02.2026
Item No.14
Court No.11
Avijit Mitra

**MAT 315 of 2026
with
IA No.CAN 1 of 2026**

**Mokabber Hossain & ors.
- versus -
State of West Bengal & ors.**

Mr. Anindya Lahiri, Sr. Adv.,
Mr. Anish Chakraborty,
Mr. Subhamoy Paul
...for the appellants
Mr. Biplab Guha,
Mr. Janardan Mandal
...for the State
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandyopadhyay,
Mr. Rahul Kumar Singh
...for the WBCSSC
Ms. Koyeli Bhattacharya,
Mr. Bibek Dutta,
Mr. Manas Bhattacharyya
....for the WBBSE

At the very outset, Mr. Bhattacharya, learned advocate appearing for the Commission, produced a document to demonstrate that appellant nos. 1 to 3 had earlier filed a writ petition, being WPA 25746 of 2025. He submits that, suppressing the said fact, they subsequently filed another writ petition, being WPA 25870 of 2025, and the order passed therein has been impugned in the present appeal.

Mr. Lahiri, learned Senior Advocate appearing for the appellants, could not dispute the said contention and submitted that he had no instructions from his clients at this stage in that regard. A perusal of the documents produced by Mr.

Bhattacharya clearly substantiates the contention advanced on behalf of the Commission. In view thereof, the appeal along with the connected application, insofar as appellant nos. 1 to 3 are concerned, stands dismissed.

While pressing the appeal insofar as appellant no. 4 is concerned, Mr. Lahiri contends that in the advertisement inviting eligible and intending candidates to participate in the 2nd State Level Selection Test (for short, “SLST”), 2025, the Commission specified that marks on account of prior teaching experience would be awarded only to those candidates who had acquired such experience in Government, Government-aided, or Government-sponsored schools.

He further submits that the exclusion of recognised Minority Educational Institutions from Clause 2(b) of the advertisement, and the consequential denial of marks to candidates who acquired teaching experience in recognised private unaided institutions, is contrary to the provisions of the National Council for Teacher Education Act, 1993 (for short, the “NCTE Act”).

According to him, appellant no. 4 has acquired more than five years of teaching experience in a recognised Minority-run educational institution, and the Commission ought to have awarded marks on account of such experience. He contends that these issues were specifically urged before the learned Single Judge; however, the same were ignored. In his view, such infirmity warranting interference by this Court with the order under appeal.

Mr. Bhattacharya, learned advocate appearing for the Commission, strongly refutes the contention advanced on behalf of the appellants. He submits that the appellants participated in the selection process without raising any objection to the terms and conditions of the advertisement and/or notification inviting applications from eligible and intending candidates for the 2nd SLST, 2025.

He contends that only after finding that the result of the written examination was not palatable to them, they approached the writ court, challenging the non-award of marks for teaching experience acquired in recognised unaided schools and alleging the same to be in violation of the NCTE Act.

He submits that the last date for filing the application form was 21st July, 2025 and the writ petition was preferred on 26.11.2025. He submits that presently, upon completion of the selection process, the Commission is holding the counselling process and therefore, such an issue cannot be entertained at this stage, where the written test has already been conducted, the interview results have been published, and the counselling process is underway.

In reply, Mr. Lahiri has pointed out that the counselling for Classes XI–XII is ongoing, while the counselling for Classes IX–X is yet to commence.

Heard the learned advocates appearing for the respective parties and perused the materials on record.

Undisputedly, the notification inviting applications from eligible and intending candidates was issued on 30th May, 2025, clearly stipulating that marks for prior teaching

experience would be awarded only to those who had acquired such experience in Government, Government-aided, or Government-sponsored schools.

The appellant applied for the post and participated in the selection process by appearing in the written examination without raising any objection at that stage to the terms and conditions contained in the notification. Upon assessment of the answer scripts, the results of the written examination were published. Thereafter, the writ petition was filed before this Court on 26th November, 2025, only after the appellant found that the result was not favourable to her. The interview list has since been published, and counselling for Classes XI and XII has already commenced.

Such belated approach was not countenanced by the learned Single Bench, who declined to examine the issue raised at a late stage to the effect that the non-award of marks for teaching experience acquired in recognised unaided schools is not legally sustainable. Although the submissions advanced on behalf of the appellants may appear arguable at first blush, entertaining the same at this stage would unsettle matters that have already attained finality.

Taking note of this, we are of the view that the learned Single Judge rightly refused to accept the appellants' contention. We also do not find any infirmity in the decision, nor do we find any justification to interfere with the order impugned in the present appeal.

Accordingly, the appeal and the connected application are thus dismissed.

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.)