

20.03.2026
Item No.03
Court No.11
Avijit Mitra

**MAT 390 of 2026
with
IA No.CAN 1 of 2026**

**The West Bengal Central School Service Commission
& anr.**

**- Versus -
Sanjukta Sen & ors.**

Mr. Kalyan Bandyopadhyay, Ld. Sr. Adv.,
Mr. Biswaroop Bhattacharya,
Mr. Arka Kr. Nag,
Mr. Rahul Kumar Singh
....for the appellants

Mr. Vivekananda Bose,
Ms. Tapati Samanta
....for the State

Mr. Shuvro Prokash Lahiri,
Mr. Rajesh Naskar,
Mr. Ankan Mondal
....for the respondents/writ petitioners

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

The present appeal has been preferred by the West Bengal Central School Service Commission (hereinafter referred to as the said Commission) and its functionaries challenging an order dated 3rd February, 2026 passed by the learned single Judge in a writ petition being WPA 28345 of 2025. The said writ petition was preferred primarily praying for issuance of necessary directions upon the writ petitioners *‘to allow 3 (Three) marks in favour of the petitioners as applicable respectively in connection with Question No. 9, 15, 20 of Booklet Series ‘B’ (corresponding to similar questions of*

Booklet series “A”, “C” and “D”) and thereby grant actual deserving marks on merit upon re-evaluation of the OMR sheets of the petitioners and issue fresh results of the written examination for the subject English in the 2nd SLST, 2025 for appointment of Assistant Teachers at IX-X level forthwith’.

Mr. Bandyopadhyay, learned senior advocate appearing for the appellants submits that the Rule 11 of the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper Primary Level of Classes [except Work Education and Physical Education], Classes IX-X and Classes XI-XII) Rules, 2025 (hereinafter referred to as the 2025 Rules) provides, *inter alia*, the method of SLST for selection of candidates and preparation of panel. Since certain objections were raised by the writ petitioners as regards the preliminary model answer key, the learned single Judge initially by an order dated 12th December, 2025 directed the said Commission to file a report in response to the objections raised. Pursuant to such direction, a comprehensive report was filed by the Commission and the writ petitioners were allowed to file an exception to such report. Subsequent thereto, the writ petition again came for hearing on 3rd February, 2026 when the learned single Judge was pleased to observe that from the report already filed it was not clear whether the academic publications were considered or not by the Expert Committee and the Commission was again directed to file an affidavit

disclosing the mode of consideration of the academic publications relied upon by the writ petitioners.

According to Mr. Bandyopadhyay, the procedure that has been followed by the Commission has already been detailed in the initial report and as such question of issuance of any direction upon the Commission to submit a further report, would be an idle formality moreso when the Commission has to complete the selection process within the time specified by the Hon'ble Supreme Court and when the Commission had received more than 1,36,608 academic references from the candidates.

He further submits that the learned single Judge ought to have decided the issue of maintainability at the inception since it would be apparent from the records that there had been a misjoinder of cause of action. In support of such contention reliance has been placed upon a judgment delivered in the case of *T.K. Lathika Vs. Seth Karsandas Jamnadas* reported in (1999) 6 SCC 632.

Mr. Lahiri, learned advocate appearing for the writ petitioners/respondents herein, however, denies and disputes the contention of Mr. Bandyopadhyay and submits that the procedure detailed in Rule 11 of the said 2025 Rules has not been followed by the Commission. As per the 2025 Rules all suggestions/objections as submitted supported by authentic academic publications are required to be considered but no reasoning has been furnished as to why

such suggestions/objections have not been considered. The decision of the Expert Committee is, thus, a cryptic one. In the said conspectus, the learned single Judge directed the Commission to disclose the mode of consideration of the academic publications by way of an affidavit and such direction does not prejudice the Commission in any manner whatsoever. In view thereof, no interference is called for in the present appeal moreso when the writ petition is still pending and no issue has been finally decided.

In reply, Mr. Bandyopadhyay submits that the procedure followed by the Commission has already been disclosed in the report, which has already been filed before the learned single Judge and by way of abundant caution all further details pertaining to the procedure adopted have been elaborately averred in paragraphs 4 to 7 of the stay application which runs as follows:

“4. In response, the Commission received in excess of 81,900 preliminary objections from candidates for the English (GRAD) subject alone. Thus, as per Rule 11(v), the Commission received more than 1,63,800 academic references from the candidates. A total of 59 answers, as published in the Preliminary Answer Key, were objected to by the candidates. The Commission prepared a compilation of objections received against each question of English (GRAD).

Photostat copy of the compilation of question-wise objections is annexed hereto and is marked with Annexure ‘B’.

5. To ensure a fair and methodical review process, the Commission established a mechanism by which all objections were categorised across six defined parameters, encompassing the full spectrum of possible grievances. These parameters are as follows :

(i) Grievance that the choice in the preliminary key is wrong in the opinion of the candidate;

(ii) Grievance that more than one choice in the preliminary key is correct;

- (iii) Grievance that none of the choices in the preliminary key are correct;
- (iv) Grievance that the question itself is wrong;
- (v) Grievance that the question is out of the syllabus;
- and
- (vi) Grievance that the English version and the Bengali version carry significantly different meanings.

6. It is stated that, as per Rule 11(vi), the commission invited experts in the field of English to form an expert committee. The expert committee was headed by a Professor in the Department of English of a University. The Email inviting experts delineated all six parameters on which the experts were to review the questions that were objected to by the candidates. The Expert Committees were provided with a detailed compilation outlining the nature of the challenges raised against each question, as per the majority of candidates, organised under the aforementioned parameters. However, the expert committee were to test the validity of the objections on all six parameters, which were mentioned in their emails, as per their applicability.

Photostat copy of one of the emails sent to the Experts is annexed hereto and is marked with Annexure "C".

7. The experts, invited by the Commission, were kind enough to accept such invitations, and the expert committee of English (GRAD) subject met on 15th and 16th October 2025 at 11.30 AM at Asanna Building, Action Area I, New Town. The Expert Committees duly convened, deliberated upon each question for which an objection was raised, and finalised their recommendations. Upon a detailed deliberation, the expert committee found objections with respect to 5 questions to be valid and suggested appropriate changes. All the changes suggested by the expert committee were duly incorporated by the Commission in the Final Answer Key in compliance with Rule 11(vi) of the 2025 Rules. In terms of Rule 11(vi), the recommendations of the Expert Committees are final and binding on all parties. The Commission thereafter published the final answer keys and declared the results. The Applicants are only annexing the final recommendation sheet of the expert committee along with this Application. The signatures of the expert members in the final recommendation sheet have been masked to maintain their anonymity. However, the Commission undertakes to disclose the identities of the expert before this Hon'ble Court, if this Hon'ble Court deems it fit and proper.

Photostat copy of the final recommendation sheet of the expert committee is annexed hereto and is marked with Annexure "D".

Mr. Bandyopadhyay, upon instruction, submits that the Commission has nothing more to add and as such there is no requirement to file any further affidavit.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

It appears from the order impugned that as it was not clear to the learned single Judge as to whether the academic publications filed by the writ petitioners were considered by the Expert Committee, a further affidavit was called for. However, the Commission has already disclosed the procedure adopted and the steps taken in considering the suggestions/objections raised by the writ petitioners by filing a report in terms of the earlier order of the learned single Judge. It has also been submitted on behalf of the Commission, upon instruction, that by way of abundant caution all further details have been elaborately averred in paragraphs 4 to 7 of the stay application.

In view thereof and as the Commission has nothing more to disclose as regards the procedure adopted in dealing with the suggestions/objections of the writ petitioners, the writ petition now requires to be adjudicated and decided on the basis of the report of the Commission earlier filed and the averments made in paragraphs 4 to 7 of the stay application.

In the said conspectus, the direction upon the Commission to file a further affidavit by 24th February, 2026 is set aside.

It appears that the point of maintainability was urged before the learned single Judge and by the order impugned the Court had kept the said point of maintainability open for consideration. In view thereof, the Commission would be at liberty to urge the point of maintainability before the learned single Judge when the writ petition is next taken up for hearing.

With the above directions and observations the appeal and the connected application 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.)