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(DISMISSED)

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

WPA/5737/2026

ABHISHEK MAITI & ORS.
VS.
THE STATE OF WEST BENGAL & ORS.

Mr. Ali Ahsan Alamgir, Advocate
Ms. Rabia Khatoon, Advocate
Ms. Munni Barman, Advocate

.....for the Petitioners

Mr. Kalyan Bandopadhyay, Sr. Advocate
Mr. Biswaroop Bhattacharya, Advocate
Ms. Pramiti Bandopadhyay, Advocate
Mr. Arka Kumar Nag, Advocate
Mr. Rahul Kumar Singh, Advocate

.....for the WBCSSC

Mr. Bibek Dutta, Advocate

.....for the WBBSE

1. Affidavit of service, as filed, be kept with the record.
2. The petitioners are candidates who participated in the second State Level Selection Test (SLST), which commenced with the advertisement of 30.05.2025.
3. The first SLST, which commenced sometime in 2016, was challenged and, after several rounds of litigation, was ultimately decided by the Hon'ble Supreme Court of India by its judgment of 03.04.2025. The entire selection process of the first SLST was declared as null and void due to egregious violations and illegalities, which violated the basic tenets of Articles 14 and 16 of the Constitution of India.
4. It was also directed by the Hon'ble Supreme Court of India as under:

"49. The disabled candidates mentioned in the previous paragraph will be allowed to participate in the fresh selection process, if required, with age relaxation and other concessions. Similarly, other candidates who are not specifically tainted will also be eligible to participate, with appropriate age relaxation. In our opinion, such a

direction would be fair and just, as it would allow these candidates to take part in the fresh selection process, which should now be initiated to fill the vacancies.”

5. The specific direction was that all untainted candidates whether from any category, such as disabled or otherwise, would be at liberty to participate in the fresh selection process to be undertaken. Pursuant thereto, the fresh selection process was undertaken by way of the advertisement of 30.05.2025.
6. Mr. Sanyal, learned senior Advocate, appearing for the petitioners submits that the second SLST pre-supposes that a first SLST has been held. However, there is no such first SLST which has been held. Thus, the petitioners are entitled to participate in the first SLST. Hence, a SLST coined as the ‘first SLST’ ought to be held. He also submits that the vacancies of seats, which may have increased in the second SLST, have been altered insofar as the tenor of the vacancy is concerned and may prejudicially affect the petitioners.
7. He has drawn my attention to an order of the Hon’ble Supreme Court of India dated 26.11.2025, whereby it was held as under:

”It would be open to the all petitioners/applicants before this Court to approach the High court for redressal of their lawful grievance in accordance with law.”
8. He submits that pursuant to the leave granted by the afore-stated order the petitioners are entitled to raise this issue for redressal before this Court.
9. Mr. Bhattacharya, learned Advocate appearing for the respondent authorities, submits that the orders of the Hon’ble Supreme Court of 03.04.2025 and of 17.04.2025, are clear and unequivocal and do not warrant any further interpretation.
10. His second limb of submission is that the petitioners

are really fence-sitters and have taken a calculated chance by way of this writ petition. The petitioners, having participated in the second SLST, the particulars whereof were available to them pursuant to the notification of 30.05.2025, are merely seeking to re-agitate an issue, which is not open to be agitated by them.

11. He has also drawn my attention to a decision of this Hon'ble Court of 18.02.2026, in WPA/2090/2026, (*Dhananjay Mondal & Ors. Vs. The State of West Bengal & Ors.*), where in an identical situation, this Hon'ble Court was pleased to dismiss the said writ petition.
12. I have heard the learned Advocates appearing for the parties and considered the decisions relied upon by them, and perused the records.
13. The first and foremost issue is that the petitioners were aware of the vacancies and the tenor of such vacancies on 30.05.2025. The petitioners with such knowledge participated in the second SLST without any protest or demur. The petitioners had never raised any issue regarding the number of vacancies or their tenor in the second SLST. The petitioners had thus accepted such vacancies and participated in the process, and are clearly estopped from questioning the same at this rather belated stage.
14. The petitioners, if they were indeed aggrieved with the tenor of the vacancies, ought to have approached this Court at the first available opportunity, i.e. in June 2025. The petitioners cannot be permitted to disrupt an entire process which has carried on for almost one year now under the aegis of the Hon'ble Supreme Court of India and is extended till August 31.08.2026. The petitioners cannot be permitted to create an administrative mayhem on their whims and fancies at this stage.

15. The argument of Mr. Sanyal, that the direction of the Division Bench was that the School Service Commission shall undertake a fresh selection process in respect of the declared vacancies cannot be read in isolation. The words "fresh selection process" and "declared vacancies" have to be read in conjunction and in consonance with each other. The declared vacancies as on the date of declaration on 31.05.2025 has to be construed as the fresh selection for the second SLST commenced on 30.05.2025 and fell within the zone of the phrase of "fresh selection process".
16. Thus, the "fresh selection process" of declared vacancies only for the first SLST would result in an incongruous interpretation, defeating the very purpose of the examination.
17. This is exactly the interpretation of the Hon'ble Supreme Court of India in the order of 17.04.2025, where it has categorically stated that candidates, who are untainted, would be permitted to participate, subject to an advertisement for fresh recruitment to the aforesaid posts.
18. The advertisement for such posts, to define the term aforesaid, is qualified by the phrase following it "shall be published before 31.05. 2025".
19. If any of the Courts (Hon'ble Supreme Court of India or the Hon'ble Division Bench) desired that the fresh recruitment process should be restricted to the posts declared for the first SLST of 2016, the orders would have specified so.
20. The orders are categorical and unambiguous that the fresh process shall be undertaken for the posts as declared on 31.05.2025.
21. The petitioners being successful candidates in the second SLST, cannot protest nor urge their rights under the first SLST, as they have duly participated in

the second SLST examination as untainted candidates by virtue of the orders of the Hon'ble Supreme Court of India.

22. In view of the aforesaid discussions and observations, the **WPA/5737/2026** fails and is accordingly **dismissed**. No order as to costs.

23. All parties are to act on a server copy of this order duly downloaded from the official website of this Court.

(Reetobroto Kumar Mitra, J.)