

C.P.A.N. 783 of 2025

Swapan Oraon
Vs.
Arup Sengupta, Commissioner of
School Education W.B. & Ors.

With

C.P.A.N. 784 of 2025

Sk. Nazrul Islam
Vs.
Arup Sengupta, Commissioner of
School Education W.B. & Ors.

With

C.P.A.N. 785 of 2025

Tapas Malik
Vs.
Arup Sengupta, Commissioner of
School Education W.B. & Ors.

With

C.P.A.N. 828 of 2025

Mahadeb Pandit
Vs.
Arup Sengupta, Commissioner of
School Education W.B. & Ors.

Mr. Saikat Banerjee, Sr. Adv.,
Mr. Shirsho Banerjee
...for the Applicant in CPAN 784 of 2025

Mr. Avijit Basu,
Mr. Ratul Biswas
...for the Applicant in CPAN 783/2025, CPAN
785/2025 & CPAN 828/2025

Mr. Biswabrata Basu Mallick, (through VC)
Mr. Aman Arif Ansari
...for the alleged contemnno.2 (DPSC, Hooghly)

Mr. Rajarshi Basu,
Mr. S. T. Mina
...for the State in CPAN 785 of 2025

Mr. Biman Halder
...for the alleged contemnno.1 in CPAN 783 of
2025 & CPAN 828 of 2025

**Re: CPAN 783 of 2025; CPAN 785 of 2025 &
CPAN 828 of 2025**

1. Heard the learned advocate for the contempt petitioner and the learned advocate for the State appearing for the alleged contemnors.
2. The present contempt proceedings are for alleged violation of an order passed on 02.12.2024 in the appeals. The direction in the appeal was in the following terms:

“The aforesaid appeals are disposed of directing the authorities to prepare a penal on merit which would include all the candidates of the unreserved and reserved category and in the event, any of the applicants are found having obtained more marks than the last cut-off marks as disclosed in the writ petitions, they shall be given an appointment in the existing vacancy or anticipated vacancy for this year or a future year.”

3. Upon recasting of the panel, the learned advocate representing the contemnors filed an affidavit of compliance showing the recast panel and also placing on record the marks obtained by the three contempt petitioners, namely, Tapas Malik, Mahadeb Pandit and Swapan Oraon. They got 35.356 marks, 34.206 marks and 35.056 marks respectively. Since the cut off marks was 38.0772, they were found to be having much less than the cut off marks and accordingly have not been placed in the recast panel.

4. We considered compliance report earlier on 03.02.2026, when we recorded the following order:

“4. Prima facie, we are of the view that since the compliance affidavit has been taken by the applicant/petitioner nearly two weeks back, sufficient time has been granted to them to file exception or make submissions with regard to the compliance affidavit.

5. However, since the matter is being adjourned for ensuring resolution of the mismatch issue in CPAN 784 of 2025, and since the matters have earlier been taken up and considered together, we will extend the benefit of such adjournment to the applicant/petitioner of the present CPANs, but by way of last indulgence.”

5. Today when the matter is taken up, it is submitted by the learned advocate representing the petitioners in these three matters that fixing of the cut off marks is unsustainable.
6. We find no occasion to enter into such controversy in a contempt proceeding. The order having complied, the petitioners failing to find a position in the recast panel by virtue of obtaining lesser than cut off marks, if at all have any grievance, the same is to be agitated in an appropriate proceeding.
7. We find the order having complied with, there is no occasion for keeping the matters pending any further.

8. The contempt applications (CPAN 783 of 2025, CPAN 785 of 2025 & CPAN 828 of 2025) are disposed of.

Re: CPAN 784 of 2025

9. Mr. Mallick, learned advocate has appeared virtually and ensured the Court that the positive steps have been taken, as per his instruction.
10. He submits that he will be placing the same on record after due service upon Mr. Banerjee appearing for the applicant in the proceeding by 19th February, 2026.
11. List the matter on **23rd February, 2026** under the appropriate heading.

(Madhuresh Prasad, J.)

(Prasenjit Biswas, J.)