

21.01.2026
Sl. No.7
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 16465 of 2025

**Sudip Chatterjee
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury
Mr. Sudip Jana

...for the Petitioner.

Ms. Mousumi Banerjee

...for the State.

Mr. Pratik Dhar, Sr.Adv.
Ms. Madhurima Sarkar

... for the Madrasah Service Commission

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya

... for the W.B.B.S.E.

Md. Sarwar Jahan
Sk. Nayeemul Hoque
Ms. Tapati Sarkar

... for the respondent no.13

Dr. Sutanu Kumar Patra
Ms. Supriya Dubey

.... For the W.B.C.S.S.C.

1. Report filed by the respondent no.13 is taken on record. Copy served.
2. By the present writ petition, the petitioner seeks direction upon the respondent authorities to issue the appointment letter in favour of the petitioner by considering the recommendation letter and/or issue the fresh recommendation and appointment letter in terms of the judgment dated 3rd April, 2025 passed by

the Hon'ble Supreme Court of India and allow the petitioner to join the previous school, namely, Sufi Abdul Momen High Madrasah (H.S.) and/or service place by giving the benefit of continuation of service in the subject-Political Science in connection with 6th State Level Selection Test, 2013 conducted by West Bengal Madrasah Service Commission forthwith.

3. The petitioner contends that he appeared in the 6th State Level Selection Test, 2013 (*in short, '6th SLST, 2013'*) conducted by West Bengal Madrasah Service Commission. The petitioner successfully qualified in the said examination and was given appointment to the post of assistant teacher upon recommendation issued by the West Bengal Madrasah Service Commission. The petitioner thereafter joined the school, namely, Sufi Abdul Momen High Madrasah (H.S.) (*hereinafter referred to as the 'Madrasah'*) on 29th August, 2018. Subsequent thereto, the petitioner also successfully qualified in the 1st State Level Selection Test, 2016 for recruitment of assistant teacher of Classes XI to XII conducted by the West Bengal Central School Service Commission and was given appointment. The petitioner resigned from the said Madrasah on 11th September, 2018. The appointment of the assistant teacher in 1st SLST, 2016 was challenged before this Hon'ble Court and the entire selection process was cancelled by this Court. Challenging the said order, Special Leave Petition was

filed before the Hon'ble Supreme Court which upheld the order of the Hon'ble High Court by its order dated 3rd April, 2025 observing that the School Service Commission adopted irregular procedure in the selection process. The Hon'ble Supreme Court in its judgment was pleased to protect the untainted candidates like that of the petitioner allowing them to join their previous departments under the State Government. The petitioner made representations before the appropriate authorities but no steps have been taken allowing the petitioner to revert back to his previous department. Hence, this writ petition.

4. Mr. Ashis Kumar Chowdhury, learned Advocate for the petitioner submits that, as per directive of the Hon'ble Supreme Court, the petitioner should be allowed to join his previous department.
5. Mr. Pratik Dhar, learned Senior Advocate appearing on behalf of the respondent no.2, West Bengal Madrasah Service Commission submits that as per the directive issued by the Hon'ble Supreme Court the process of segregating tainted and untainted candidates have already been made. He indicates that the petitioner is not a tainted candidate. He also informs that the petitioner's name was recommended by the Commission and as per the directive of the Hon'ble Supreme Court if he has joined in the previous place of posting then he will be allowed to revert back to his previous post.

6. Mr. Sarwar Jahan, learned Advocate appearing on behalf of the respondent no.13 submits that the petitioner joined in the Madrasah on 29th August, 2018.
7. It appears from the report of respondent no.13 that the petitioner joined the Madrasah on 29th August, 2018 and resigned on 11th September, 2018.
8. The Hon'ble Supreme Court in ***State of West Bengal - versus- Baishakhi Bhattacharyya (Chatterjee) & Ors.*** reported in **2025 INSC 437** in paragraph no.47 observed as follows:-

"47. 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. These applications must be processed by the respective government departments or bodies within three months, and the candidates will be allowed to resume their positions. Further, the period between the termination of their previous appointment and their rejoining will not be considered a break in service. Their seniority and other entitlements will be preserved, and they will be eligible for increments. However, for the period they were employed under the disputed appointment, no wages will be paid by the State Government or autonomous bodies. Further, if required and necessary, supernumerary posts may be created for persons appointed in the interregnum."

9. In light of the facts and circumstances as above and bearing in mind the observation of the Hon'ble Supreme Court in *Baishakhi Bhattacharyya (Chatterjee) (supra)*, the respondent no.2, West Bengal Madrasah Service Commission is directed to take further steps so that the petitioner may join his previous department/entity and continue his service thereat in accordance with law, as expeditiously as possible.

10. With the above direction, the writ petition being **WPA 16465 of 2025** stands disposed of.
11. Since no affidavits have been called for, the allegation made in the writ petition is deemed to be not admitted.
12. Interim order, if any, stands vacated.
13. All connected applications, if any, stand disposed of.
14. There shall be no order as to costs.
15. All concerned parties shall act in terms of the copy of the order duly downloaded from the official website of this Court.
16. Urgent Photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)