

06.1.2026
Item no.D/L 37
Court No. 18

Sc

In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side

Case No. **WPA 25015 of 2025**

In the matter of:
Biswajit Biswas & Ors. *.... Petitioners*
VS.
The State of West Bengal & Ors. *....Respondents*

For the Petitioners:
Mr. Ashis Kumar Chowdhury
Mr. Rohan Paul
Mr. Sudip Jana. *....Advocates*

For the State:
Mr. Kishore Dutta, Ld. AG.
Mr. Sirsanya Bandopadhyay, Sr. SC.
Mr. Tarak Karan
Mr. Debanjan Mandal
Mr. Sandip Das Gupta
Ms. Mahima Cholera
Mr. Niket Ojha. *....Advocates*

For the WBCSSC:
Mr. Kalyan Bandopadhyay, Sr. Adv.
Mr. Biswaroop Bhattacharjee
Ms. Pramiti Bandopadhyay
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh. *....Advocates*

For the WBBSE:
Ms. Koyeli Bhattacharyya *....Advocate*

For the Respondent nos. 11 & 12:
Mr. Soumava Mukherjee
Ms. Sashwati Parhi. *....Advocates*

For the Applicant(s) (CAN 3 of 2025):
Mr. Ali Ahsan Alamgir
Ms. Sumedha Haldar
Ms. June Modak. *....Advocates*

For the Applicant(s) (CAN 4 of 2025):

Mr. Subir Sanyal, Sr. Adv.
Mr. Ali Ahsan Alamgir
Ms. Rabia Khatoon

....Advocates

For the Applicant(s) (CAN 2 of 2025):

Mr. Pratik Dhar, Sr. Adv.
Mr. Samir Halder
Mr. Sakhawat Khandakar
Mr. Snehal Sinha

....Advocates

For the Applicant(s) (CAN 5 of 2025):

Mr. Ayan Poddar
Mr. Soham Datta
Mr. Parthasarathy Boyal.

....Advocates

1. Affidavit-in-reply filed on behalf of the petitioners against the affidavit-in-opposition filed by the applicants in I.A. No. CAN 2 of 2025 be retained with the records.
2. The writ petitioners participated in the 2nd SLST, 2025 in respect of Classes XI-XII. They submit that the Commission ought to act strictly in accordance with 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.
3. According to the petitioners, the Commission ought not to award marks for 'Prior Teaching Experience' to the candidates who participated for recruitment at the XI-XII level if they taught in the IX-X level and do not have experience in teaching in the XI-XII level.

4. The petitioners contend that only teachers dedicatedly appointed to teach in Classes XI-XII may be considered for providing marks on account of 'Prior Teaching Experience' at the XI-XII classes. Without actually taking classes in the XI-XII level, marks on account of 'Prior Teaching Experience' ought not to be awarded to them.
5. The petitioners submit that the recruitment rules specifically lay down different criteria for appointment in classes IX-X and XI-XII. The posts for classes IX-X and XI-XII are different. The scale of pay in respect of the teachers for classes IX-X and XI-XII are separate. Same experience cannot be counted twice for providing marks on account of 'Prior Teaching Experience' first at the IX-X level and thereafter at the XI-XII level.
6. The petitioners have, *inter alia*, prayed for issuance of a Writ of Mandamus commanding/directing the respondent authorities and, particularly, the Commission to publish notification by mentioning subject benefits which should be given to candidates who intend to participate in the 2nd SLST by considering their experience in their respective subjects and positions.
7. The petitioners also pray for a direction upon the authorities to publish notification by granting full marks for 'Lecture Demonstration' and publish fresh notification by giving clarity that 'Lecture

Demonstration' marks will be granted to the untainted teachers, who have worked in connection with SLST, 2016.

8. Several applications were filed in connection with the instant writ petition. According to the applicants, the Commission rightly published the recruitment rules by mentioning that 'Prior Teaching Experience' marks will be awarded to candidates, both in respect of the Classes IX-X and XI-XII, if they have taught in the secondary level in Government or Government aided or Government sponsored school.
9. The applicants who are opposing the prayer of the petitioners contend that the experience obtained by the candidates in the secondary level can certainly be taken into consideration for awarding marks on account of 'Prior Teaching Experience' for levels XI-XII.
10. According to the applicants any classes above Class IX has to be taken as secondary level classes and the authority has rightly not made any distinction between the secondary, i.e. IX-X level and higher secondary, i.e. XI-XII level.
11. The applicants submit that the petitioners have not challenged the recruitment rules and have participated in the recruitment process without raising any objection. At this stage they cannot be permitted to seek any direction for framing fresh rules.

12. The applicants pray for dismissal of the writ petition.
13. Upon hearing the submissions made on behalf of the petitioners and on perusal of the prayers as well as the documents annexed to the writ petition it appears that though the petitioners do not challenge the recruitment rules directly but they pray for a direction upon the Commission to publish further notification by disclosing how marks are to be awarded to the participating candidates.
14. The submission of the petitioners that the Commission is not acting in terms of their own rules, cannot be properly substantiated before the Court.
15. According to the recruitment rules, marks for 'Prior Teaching Experience' in respect of Classes IX-X and XI-XII will be awarded to candidates provided they have the experience at the secondary level in Government or Government aided or Government sponsored schools.
16. The recruitment rules do not mention that for the candidates who are contesting for Classes XI-XII will be provided marks on account of 'Prior Teaching Experience' only if they have got prior teaching experience at the XI-XII stage.
17. On the contrary, the recruitment rules clearly specify that marks will be awarded to candidates both at the IX-X and XI-XII stage if they have got experience at the secondary level. No case has been made out challenging

the manner in which the Commission intends to award marks to candidates for prior teaching experience.

18. The submission of the petitioners advanced in Court and the prayers made in the writ petition appear to be contrary to each other. The writ petition appears to be misconceived and, hence, cannot be allowed.

19. The writ petition, accordingly, fails and is hereby dismissed. All connected applications are disposed of.

20. Urgent photostat certified copy of this order, if applied for, be furnished to the parties after compliance of all necessary formalities.

(Amrita Sinha, J.)