

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

WPA 26968 of 2025

Sk. Saniulla

v.

The State of West Bengal & Ors.

Mr. Firdous Samim
Ms. Gopa Biswas
Ms. Ankita Ghosh
Ms. Salini Bhattacharjee
Mr. Hasibur Rahaman Jamadar
Mr. Rajosik Dutta
Mr. Md. Imzamamul Islam
... For the petitioner

Mr. Sirsanya Bandopadhyay, Sr. S.C.
Mr. Vivekananda Bose, Jr. SC
Mr. Kushal Das
Mr. Sandip Dasgupta
Ms. Mahima Cholera
Mr. Niket Ojha
... For the State

Mr. Kalyan Bandopadhyay, Sr. Advocate (vc)
Mr. Biswaroop Bhattacharjee
Ms. Pramiti Bandopadhyay
Mr. Rahul Kumar Singh (vc)
... For the WBCSSC

Mr. Arijit Majumdar
Ms. Swapana Jha
Ms. Shreyasi Sarkar
... For the CBI

1. The matter relates to 1st State Level Selection Test (Non-Teaching) conducted by the West Bengal Central School Service Commission. As the name of the petitioner features in the list of tainted candidates, he is not being permitted to participate in the selection process. The petitioner challenges incorporation of his name in the said list.

2. It appears that the petitioner was initially appointed in the 2016 recruitment process and his service got terminated in view of the order passed by this Court affirmed by the Hon'ble Supreme Court vide judgment dated 3rd April, 2025 in Civil Appeal No. 4800 of 2024 in the matter of State of West Bengal v. Baishakhi Bhattacharjee (Chatterjee) & Others.

3. Learned advocate for the petitioner submits that the name of the petitioner ought not to feature in the tainted candidates as his OMR sheet of the earlier examination could not be traced out in entirety. Only a portion of the OMR sheet has been relied upon by the Central Bureau of Investigation to assess the marks awarded to him.

4. Prayer has been made to direct the Commission to permit the petitioner to participate in the recruitment process, however, subject to the result of the instant writ petition.

5. The Central Bureau of Investigation has filed a report in the form of an affidavit by disclosing that the OMR sheet of the petitioner could not be found in its entirety. The OMR sheet which was found was scanned twice to avoid any chance of error.

6. From the marks ascertained by the CBI, the petitioner secured only eight marks out of the fifteen questions that he answered. In the list published by the Commission, it has been shown that the petitioner secured fifty four marks. There is no document

wherefrom it can be revealed that the petitioner actually received fifty four marks.

7. The Hon'ble Supreme Court in the matter of Baishakhi Bhattacharjee (Chatterjee) (supra) made it exclusively clear that any candidate who features in the tainted list cannot be permitted to appear in the examination to be conducted by the Commission for filling up the vacancies.

8. Though the petitioner asserts that his name was incorrectly incorporated in the list of tainted candidates, but as the petitioner has not yet been able to remove his name from the list of tainted candidates, accordingly, this Court is not agreeable to pass any order in favour of the petitioner permitting him to participate in the selection process.

9. It will be open for the petitioner to approach the competent forum for taking appropriate steps for removing his name from the list of tainted candidates.

10. It is made clear that if the petitioner is successful in removing his name from the list of tainted candidates, then only his right to secure appointment or participate in any recruitment process will arise and the dismissal of the writ petition will not be taken as constructive *res judicata* in that case.

11. As a result, the writ petition fails and is accordingly dismissed.

12. All parties shall act on the basis of a server copy of this order duly downloaded from the official website of this Court.

13. Urgent photostat certified copy of this order, if applied for, be given to the parties, upon compliance of necessary formalities.

(Amrita Sinha, J.)