

01
18.06.2026
Ct No.11
KCP

FMA 1844 of 2025
with
IA No. CAN 1 of 2026
(Ranjita Karan Dinda Vs. The State of
West Bengal & Ors.)

Ms. Ananya Neogi
Mr. Sayan Mukherjee
Ms. Anushka Ghosh
... For the appellant

Mr. Sahasrangshu Bhattacharjee, Ld. A.G.P.
Ms. Mary Datta
... for the State

Mr. Rahul Kumar Singh
... for the respondent no.3

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Mr. Manas Bhattacharyya
.... For the W.B.B.S.E.

1. Records would reveal that in the present appeal preferred by the writ petitioner/appellant namely, Ranjita Karan Dinda (in short, Ranjita) challenging an order dated 17.09.2026 passed in WPA 19282 of 2025, an interim order was passed on 19.03.2026 directing the respondents to maintain *status qua* as on date in respect of the vacancy to which Ranjita has been recommended *vide* memo dated 22.01.2025 till the end of June, 2026 or until further orders, whichever is earlier.

2. The following facts are not in dispute. Ranjita's husband, namely, Amal Dinda (in short,

Amal) participated in the 1st State Level Selection Test (in short, 1st SLST) and emerged to be successful and was recommended for appointment by the West Bengal School Service Commission (in short, the Commission) *vide* memo dated 30.07.2018 under vacancy category PH-VH. Pursuant thereto, Amal was appointed to the post of an Assistant Teacher (Class Level XI-XII) by the West Board of Secondary Education (in short, the Board) *vide* memo dated 10.09.2018. Such appointment was subsequently approved by the respondent no.4 on 14.11.2018 but unfortunately thereafter he expired on 27.08.2021 after rendering service for about three years. Due to the loss of the sole bread earner of the family and to tide over the distress, Ranjita submitted an application for compassionate appointment in place and stead of Amal. In terms of the provisions of the West Bengal School Service Commission (Selection of Persons for Appointment to the Post of Non-teaching Staff) Rules, 2009 (hereinafter referred to as the 2009 Rules) and her name was included in the relevant roster and forwarded by the respondent no. 4 to the Commission *vide* memo dated 13.03.2026. She was thereafter allowed to participate in the

counseling by the Commission, when she opted for appointment at Bankura Goenka Vidyapith on 17.01.2025. Commission thereafter *vide* memo dated 22.01.2025 recommended Ranjita for appointment in a Group-C post at Bankura Goenka Vidyapith (HS) Bankura. Subsequent thereto, Ranjita was called for verification of testimonials and she duly appeared before the Board on 04.03.2025. As no steps were thereafter taken by the Board to issue the letter of appointment, Ranjita preferred the writ petition.

3. By the order impugned in the present appeal Ranjita's claim was rejected observing *inter alia* as follows:

'In terms of the judgment dated 3rd April, 2025 all the candidates (tainted and untainted) lost their job. Therefore, it can be concluded that in terms of the order of the Hon'ble Supreme Court dated 3rd April, 2025 husband of the petitioner would also lose job had he been alive. Husband died in 2021. Therefore, no right accrues in favour of the petitioner due to service rendered by the husband of the petitioner on being selected in 1st SLST, 2016 for Classes XI & XII.'

4. Ms. Neogi learned advocate appearing for the appellant argues that the impugned order was

passed by the learned Single Judge without appreciating that by the judgment dated 03.04.2025 passed in Special Leave Petition (Civil) no.9886 of 2024 [*State of West Bengal vs Baishakhi Bhattacharyya (Chatterjee) and Ors.*], the Hon'ble Supreme Court allowed the untainted candidates to appear in the fresh selection process. Amal was an untainted candidate and had he been alive, he would have got an opportunity to appear in such fresh selection process.

5. She further submits that in the judgment dated 03.04.2025 it has not been answered as to what would be the fate of applications submitted for compassionate appointment in cases where death occurred prior to delivery of the judgment. In the said conspectus, the observation of the learned Single Judge in the order impugned that no right had accrued in favour of the Ranjita's appointment due to the service rendered by her husband on being selected in 1st SLST, 2016 is not sustainable in law. In support of such contention reliance has been placed upon the directions contained in paragraphs 46 to 49 of the judgment passed by the Hon'ble Supreme Court.

6. Ms. Bhattacharyya, learned advocate appearing for the Board submits that appropriate steps could not be taken as the examination process pertaining to the 1st SLST, 2016 has been set aside.

7. Answering our query, Mr. Singh, learned advocate appearing for the West Bengal Central School Service Commission (hereinafter referred to as the Commission) submits that the name of Ranjita's husband does not feature in the list of tainted candidates published by the Commission on 30th August, 2025.

8. Mr. Bhattacharjee, learned advocate appearing for the State submits that Ranjita's application for compassionate appointment was duly considered and her name was included in the death in harness roster and thereafter forwarded to the Commission *vide* memo dated 21.03.2024, i.e., prior to delivery of the judgment of the Hon'ble Supreme Court in the case of *State of West Bengal vs Baishakhi Bhattacharyya (Chatterjee) and Ors.* on 03.04.2025.

9. The fell clutch of circumstance and bludgeoning of fate left Amal's family helpless after his unfortunate death prior the delivery of the judgment in the case of *State of West Bengal*

vs Baishakhi Bhattacharyya (Chatterjee). Ranjita's name was also forwarded by the respondent no.4 and recommended by the Commission prior to the delivery of the judgment delivered by the Hon'ble Supreme Court.

10. The judgment delivered by the Hon'ble Supreme Court on 03.04.2025 need to be considered together and not in isolation. A particular clause cannot be picked up and highlighted. The selection process pertaining to the 1st SLST was declared null and void in the judgment dated 03.04.2025 observing *inter alia* that in spite of such cancellation, the untainted candidates would have the right to apply to their previous department or autonomous bodies to continue in service in those entities. The untainted candidates would also have the right to apply to participate in a fresh selection process upon relaxation of age. As admittedly Amal is an untainted candidate, he would have got the opportunity to participate in the fresh selection process. In view thereof, the observation of the learned Single Judge that no right accrues in favour of Ranjita due to service rendered by the husband of the petitioner on being selected in 1st

SLST, 2016 for Classes XI & XII, is not sustainable.

11. For the reasons as discussed above, the impugned order dated 17.09.2025 passed in the writ petition being WPA 19282 of 2025 is set aside and the respondent no.2 is directed to issue letter of appointment in favour of Ranjita on the basis of the recommendation issued by the Commission *vide* memo dated 22.01.2025 positively within a period of four weeks from the date of communication of the order.

12. With the above observations and directions, the appeal and its connected application are disposed of.

13. There shall, however, be no order as to costs.

14. Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all requisite formalities.

(Partha Sarathi Chatterjee, J.) (Tapabrata Chakraborty, J.)