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NANDY

(DO)

**In the High Court at Calcutta  
Constitutional Writ Jurisdiction  
Appellate Side**

WPA/28951/2025

**IFTIQUAR AHMED  
VS.  
THE STATE OF WEST BENGAL & ORS.**

Mr. Prosenjit Mukherjee, Advocate  
Mr. Jahangiur Hossain, Advocate  
Ms. Babita Pramanik, Advocate

.....for the Petitioner

Mr. Kalyan Bandopadhyay, Sr. Advocate  
Mr. Biswaroop Bhattacharya, Advocate  
Ms. Pramiti Bandopadhyay, Advocate  
Mr. Arka Kumar Nag, Advocate  
Mr. Rahul Kumar Singh, Advocate

.....for the WBCSSC

Ms. Koyeli Bhattacharya, Advocate  
Mr. Bibek Dutta, Advocate

.....for the WBBSE

Mr. Pulakesh Bajpayee, Advocate

.....for the Respondent Nos. 8 & 9

1. Affidavit of service, as filed, be kept with the record.
2. The petitioner, an Other Backward Class, (OBC)-B category candidate having participated in the second State Level Selection Test, is aggrieved that his prior teaching experience was not considered and the marks allotted to him initially (8) were subsequently deducted; on account whereof, he became an unsuccessful candidate.
3. Mr. Mukherjee, learned Advocate appearing for the petitioner, has relied on several documents appended to the writ-petition to argue that the petitioner had indeed served for a period of more than four years in the category for which he had applied (post-graduate) in various Schools. In spite thereof, the marks allotted to him initially, were subsequently deducted by the Commission and his candidature was rejected upon verification of his credentials.
4. Mr. Bajpayee, learned Advocate appearing for the

- respondent no. 9, submits that the petitioner was a contractual employee and served in a substantive post but had not served continuously over a period of time.
5. Mr. Bhattacharya, learned Advocate appearing for the Commission, submits that the Rule itself, by way of Notification No. WB(Part-I)/2025/SAR-247 dated 29.05.2025, is clear and unambiguous as Schedule-II of the Rules specifies that for eligibility of marks on the ground of prior teaching experience, has to be for a continuous year of service in a substantive post.
  6. I have heard the Advocates appearing for the parties.
  7. It is true that the petitioner does not have a continuous service of a year. However, his aggregate service over a period of time, spears for more than a year. The petitioner's credentials may be considered by the Commission in this light.
  8. However, I make it clear that in the event, the rendition of service for a continuous period of 12 months or a year is not found, the petitioner shall not be eligible for being considered in any manner whatsoever.
  9. The Commission is directed to consider the case of the petitioner and take a decision and shall pass a reasoned order by May 10, 2026 and intimate the resultant order of such consideration to the petitioner by May 15, 2026.
  10. It is further made clear that this order has been passed in the peculiar facts and circumstances of the case and does not water down the principle of a continuous year of service for eligibility for marks on the ground of prior teaching experience.
  11. With the afore-stated directions, the writ-petition is **disposed of**.
  12. Urgent Photostat certified copy of this order, if applied for, be given to the parties on priority basis.

(Reetobroto Kumar Mitra, J.)

