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FMA 59 of 2026
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IA No. : CAN 1 of 2026
Rima Biswas
- Versus -
The State of West Bengal & Others

Mr. Balai Lal Sahoo,
Mr. Surajit Samanta,
Mr. Amit Bikram Mahata,
Ms. Sohini Samanta
... for the Appellant.
Mr. B. P. Vaisya,
Mr. Sagnik Chatterjee
... for the State/respondents.
Ms. Saswati Chatterjee
... for the WBBSE.
Mr. Biswaroop Bhattacharya,
Ms. Pramiti Bandopadhyay,
Mr. Rahul Kr. Singh
... for the WBCSSC.

The present appeal has been preferred against the order dated 26th November, 2025 passed in a writ petition, being WPA 25954 of 2025. The said writ petition was preferred by one Rima Biswas (hereinafter referred to as “Rima”), the writ petitioner/appellant (hereinafter, the appellant), seeking a direction upon the concerned respondents to arrange a special written test for her and to allow her to appear in such test.

The facts leading to the presentation of the present appeal are that Rima participated in the 2nd State Level Selection Test, 2025 (in short, 2nd SLST), which was initiated in compliance with the order passed by the Hon’ble Supreme Court in Civil Appeal No. 4805 of 2025 [West Bengal Board of Secondary Education vs. Baishakhi Bhattacharyya (Chatterjee)]. The written test for appointment to the post of Assistant Teacher (Class XI–XII) was fixed on 14th September, 2025.

However, Rima, who was pregnant at that time, was admitted to a hospital on 7th September, 2025. On 10th September, 2025, Rima made an application for arrangement of a sick bed at the examination centre. In compliance with such request, a sick bed at the examination centre was arranged for her. However, her condition deteriorated and, on the date of examination, she was shifted to the ICU and as such, she could not appear in the written test.

Subsequently, on 31st October, 2025, she submitted a representation before the concerned respondents praying for arrangement of a written test for her as a special case. However, despite receipt of such representation, no effective steps were taken in this regard. Such inaction prompted Rima to file the writ petition, which was dismissed by the order impugned in the present appeal.

Mr. Sahoo, learned Advocate, assisted by Mr. Samanta, learned Advocate appearing for Rima, submits that due to no fault on Rima's part, she lost the opportunity to appear in the written test. He submits that the learned Single Bench declined to accept Rima's prayer on the ground that permitting her to appear in a further written test separately would unsettle the settled thing. However, referring to the order dated 18th December, 2025 passed in *West Bengal Board of Secondary Education vs. Baishakhi Bhattacharyya (Chatterjee)* passed in Misc. Application no. 709 of 2025 filed in connection with Civil Appeal 4805 of 2025 [West Bengal Board of Secondary Education vs. Baishakhi Bhattacharyya (Chatterjee)], he submits that the Hon'ble Supreme Court was pleased to extend

the time till 31st August, 2026 to complete the selection process. He further submits that, in view of such subsequent development, a direction may be given to the concerned respondents to arrange a further written test for Rima.

Mr. Bhattacharya, learned Advocate appearing for the Commission, vehemently opposes the contention advanced by Mr. Sahoo. He submits that the incident may be construed as an act of God. He further submits that the result was published on 7th November, 2025, the preliminary list of selected candidates to appear in the interview was published on 15th November, 2025, and thereafter, on 21st January, 2026, the panel was published. He submits that the Commission is now preparing to commence the counselling process.

He submits that, at this stage, if the prayer of Rima is considered, the learned Single Bench rightly concluded that it would unsettle settled matters. He further submits that acceptance of such prayer may open the floodgates and that allowing the same would amount to misplaced sympathy.

In reply, Mr. Sahoo submits that Rima had previously rendered service as an Assistant Teacher, having been selected in the year 2016. Thereafter, she lost her job. Being an untainted candidate, she was allowed to participate in the 2nd SLST. At present, she has crossed the upper age limit for all sorts of Government employment. In such circumstances, Rima's case may be considered as a special case.

Heard the learned Advocates appearing for the respective parties and perused the materials on record placed before us.

Admittedly, in the present case, as observed earlier, the written test was held on 14th September, 2025 and the result of the written test was published on 7th November, 2025. Even in January 2026, the panel had been published and the Commission is preparing to commence the counselling process. Although the written test was held on 14th September, 2025, Rima made her representation only on 31st October, 2025, i.e., almost one and a half months later, and the writ petition was filed after the publication of the result of the written examination on 15th November, 2025.

In the said conspectus, at this stage, if a direction is issued to arrange a further written test for any particular candidate, and the candidate succeeds, such success would inevitably unsettle the settled thing and may also prejudice a candidate who has already been successful.

Considering all these aspects, we are not inclined to accept Rima's contention and are of the view that the learned Single Bench has correctly declined her prayer. We do not find any infirmity or perversity in the order impugned.

Accordingly, the appeal and the connected application are, thus, dismissed.

However, there shall, however, be no order as to costs.

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.)