

25.03.2026
Sl. No.20
Ct. No.14
ss

**IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE**

W.P.A. No. 29867 of 2025

**Oli Mahammad
Versus
The State of West Bengal & Ors.**

Mr. Ashis Kumar Chowdhury
Mr. Babru Bahan Bera
Mr. Rohon Paul
Mr. Sidhartha Roy

...for the Petitioner.

Mr. Vivekananda Bose
Ms. Subhra Nag

...for the State.

Ms. Koyeli Bhattacharyya
Mr. Manas Bhattacharyya

... for the WBBSE.

Mr. Pratik Dhar, Sr. Adv.
Ms. Madhurima Sarkar

... for the Madrasah Service Commission

1. Affidavit of service filed on behalf of the petitioner is taken on record.
2. Report in terms of order dated 25th February, 2026 furnished by the Deputy Secretary cum Law Officer, West Bengal Madrasah Service Commission dated 17th March, 2026 is taken on record.
3. By the present writ petition the petitioner seeks direction upon the respondents for issuance of fresh recommendation and appointment letter in terms of judgement of the Hon'ble Supreme Court passed in *Special Leave Petition (Civil) No.9586 of 2024 (State of*

West Bengal –versus- Baishakhi Bhattacharyya (Chatterjee) & Ors.) on 3rd April, 2025.

4. The petitioner contends that he joined in Dantura High Madrasah as an Assistant Teacher in Physics (H/PG) on 20th July, 2018. The petitioner subsequently participated in 1st State Level Selection Test (*in short*, 'SLST'), 2016 and successfully qualified in the said examination and was given appointment as an Assistant Teacher. The Hon'ble Supreme Court cancelled the entire selection process of 2016 on the ground of certain irregularities. Be that as it may, it granted liberty to the untainted candidates to revert back to their previous departments or autonomous bodies. Hence this writ petition seeking for necessary direction upon the respondent authorities for such reversion.
5. Mr. Ashis Kumar Chowhury, learned Advocate for the petitioner submits that, as per directive of the Hon'ble Supreme Court, the petitioner should be allowed to join his previous department.
6. Mr. Pratik Dhar, learned Senior Advocate appearing on behalf of the respondent no.2, West Bengal Madrash Service Commission submits that as per the directive issued by the Hon'ble Supreme Court the process of segregating tainted and untainted candidates have already been made. He indicates that the petitioner is not a tainted candidate. He also informs that the petitioner's name was recommended

by the Commission and as per directive of the Hon'ble Supreme Court if he has joined in the previous place of posting then he will be allowed to revert back to his previous post subject to production of the requisite documents as mentioned in the report.

7. As per the report dated 17th March, 2026 following documents are required to be produced for processing further:
 - a) Original approval letter from the District Inspector of Schools (SE) in respect of the 6th SLST appointment at Dantura High Madrasah;
 - b) Original last Pay Certificate/Salary Statement from the said Madrasah;
 - c) Original Service Certificate from Dantura High Madrasah;
 - d) Original resignation letter from the said Madrasah; and
 - e) Clarification regarding the apparent contradiction between the joining report dated 20.07.2018 and the letter of unwillingness to join dated 13.08.2018.
8. The Hon'ble Supreme Court in ***State of West Bengal versus Baisahakhi Bhattacharyya (Chatterjee) & Ors.*** reported in ***2025 INSC 437*** in paragraph no. 47 observed as follows:-

“47. Some of the appointed candidates who do not fall within the category of tainted candidates may have previously worked in different departments of the State of Government or with autonomous bodies, etc. In such cases, although their appointments are cancelled, these candidates will have the right to

apply to their previous departments or autonomous bodies to continue in service with those entities. These applications must be processed by the respective government departments or bodies within three months, and the candidates will be allowed to resume their positions. Further, the period between the termination of their previous appointment and their rejoining will not be considered a break in service. Their seniority and entitlements will be preserved, and they will be eligible for increments. However, for the period they were employed under the disputed appointment, no wages will be paid by the State Government or autonomous bodies. Further, if required and necessary, supernumerary posts may be created for persons appointed in the interregnum.”

9. In light of the facts and circumstances as above and bearing in mind the observation of the Hon’ble Supreme Court in Baishakhi Bhattacharyya (Chatterjee) (supra), respondent no.2 Secretary, West Bengal Madrasah Service Commission is directed to take further steps so that the petitioner may join his previous department/entity and continue his service thereat in accordance with law, as expeditiously as possible, subject to production of the documents as mentioned hereinabove in paragraph no.7.
10. With the aforesaid directions, the writ petition being **WPA 29867 of 2025** is disposed of.

11. Since no affidavit is called for, the allegations made in the writ petition are deemed to have been denied.
12. Consequently, connected applications, if any, stand disposed of.
13. Interim orders, if any, stand vacated.
14. There shall be no order as to costs.
15. Urgent photostat certified copy of the order, if applied for, be given to the parties on compliance of all necessary legal formalities.

(Bivas Pattanayak, J.)