1.
(DL)

12.09.2025
Ct. No. 18
(ARPAN)

IN THE HIGH COURT AT CALCUTTA

Constitutional Writ Jurisdiction
(Appellate Side)

W.P.A. 21689 OF 2025

BHOLANATH MANDAL
VS.
THE WEST BENGAL CENTRAL SCHOOL SERVICE COMMISSION & OTHERS

Mr. Nazer Chowdhury, Adv.
Ms. Priyanka Saha, Adv.
Mr. Rishav Deb Barman, Adv.
Mr. Farheen Rais, Adv.
...for the Petitioner

Mr. Biswarup Bhattacharya, Adv.
Mr. Pramiti Bhattacharya, Adv.
Mr. Arka Kumar Nag, Adv.
Mr. Rahul Kumar Singh, Adv.
...for the W.B.C.S.S.C.

Mr. Sirsanya Bandyopadhyay, Sr. S.C.
Mr. Sandip Dasgupta, Adv.
Ms. Mahima Cholera, Adv.
Mr. Niket Ojha, Adv.
...for the State

1. Writ petition is heard in presence of the learned advocates representing the petitioner, West Bengal Central School Service Commission (hereinafter referred to as 'Commission') and State respondents.

2. Petitioner has questioned the list published on 30th August, 2025 issued by the Secretary of the Commission wherein his name has been included as one of the tainted candidates. It is contended on behalf of the petitioner that petitioner is disabled candidate. Therefore, petitioner is eligible to get the benefit of observations made by the Hon'ble Supreme Court in the judgment dated 3rd April, 2025 passed in civil

appeal arising out of ***Special Leave Petition (Civil) No.9586 of 2024 (State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.)***.

3. According to the petitioner, treating him as disabled candidate he should have been kept outside the list dated 30th August, 2025 of tainted candidates, issued by the Secretary of the Commission.

4. Learned advocates representing the Commission and the State respondents have jointly opposed this writ petition based on two documents which are at pages 20 and 21 of this writ petition; one was issued inviting the petitioner to participate in the counseling process in connection with 1st State Level Selection Test, 2016 for classes XI-XII and a recommendation memo dated 30th July, 2018 issued by the Chairman of the Commission. Both the documents were issued in connection with participation of the petitioner in 1st SLST, 2016 for classes XI-XII which depicted petitioner participated in the said selection process not as disabled candidate but as OBC-B category candidate.

5. It is also submitted on behalf of the respondents that disabled candidates were permitted to continue their service and receive wages till fresh selection process and appointments are completed, by the Hon'ble Supreme Court as observed in paragraph 48 of the

judgment dated 3rd April, 2025 passed in ***Baishakhi Bhattacharyya (Chatterjee)*** *(supra)* but treating the petitioner as OBC-B category tainted candidate he was not permitted to continue his service and was not paid wages.

6. On perusal of paragraph 48 of the judgment dated 3rd April, 2025 passed in ***Baishakhi Bhattacharyya (Chatterjee)*** *(supra),* Court finds differently abled candidates were permitted to continue their service and receive wages till fresh selection process and appointments are complete. In addition thereto as per directions contained in paragraph 49 of the judgment dated 3rd April, 2025 differently abled candidates were permitted to participate in the fresh selection process, if required, with age relaxation and other concessions along with candidates who were not found as specifically tainted.

7. Observations made in paragraphs 48 and 49 of the judgment dated 3rd April, 2025 do not come in aid of the petitioner since petitioner did not participate in 1st SLST, 2016 for classes XI-XII as differently abled candidate but participated as OBC-B category candidate. Since petitioner participated as OBC-B category candidate and got the benefit of reservation of vacancy under OBC-B category, after judgment was

delivered by the Hon'ble Supreme Court on 3rd April, 2025 in ***Baishakhi Bhattacharyya (Chatterjee)*** *(supra)* he was not permitted to continue his service on payment of wages unlike other candidates who participated in 1st SLST, 2016 for classes XI-XII as differently abled candidates.

8. Other issues agitated in this writ petition are covered by the judgment dated 2nd September, 2025 delivered by this Court on a batch of writ petitions, first one being ***WPA 20845 of 2025 (Sampa Ghosh vs. State of West Bengal & Ors.)***.

9. Hence, writ petition stands dismissed.

10. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)