

MAT 30 of 2026
with
IA No. CAN 1 of 2026
(Swaoni Bhattacharjee Vs. The State of
West Bengal & Ors.)

Mr. Shuvro Prokash Lahiri
Mr. Rajesh Naskar
Mr. Ankan Mondal
... For the appellant

Mr. Sirsanya Bandopadhyay
Mr. Saibal Acharyya
Mr. Tarak Karan
..... For the State respondents

Mr. Biswaroop Bhattacharya
Mr. Arka Kumar Nag
Mr. Rahul Kumar Singh
..... For the Commission

The present appeal has been preferred challenging an order dated 10th December, 2025 passed by the learned single Judge in a writ petition being WPA 25898 of 2025 dismissing the writ petition which was preferred by the writ petitioners praying for issuance of necessary direction upon the respondent authorities *‘to allow 4 (four) marks in favour of the petitioners in respect of Question No. 32 of Booklet Series ‘A’ (corresponding to Question No. 12 of Booklet Series ‘C’), Question No. 51 of Booklet Series ‘A’ (corresponding to Question No. 39 of Booklet Series ‘C’), Question No. 19 of Booklet Series ‘A’ of the petitioner no. 2 and Question No. 24 of Booklet Series ‘C’ of the petitioner no. 1 and thereby re-evaluate the OMR sheets of the petitioners and issue fresh results of the written examination for the subject Nutrition in the 2nd SLST, 2025*

for appointment of Assistant Teachers at XI-XII level forthwith'. The present appeal has, however, been filed by the writ petitioner no. 2, namely, Swaoni Bhattacharjee (in short, Swaoni).

Drawing our attention to the provisions of Rule 11 of the West Bengal School Service Commission (Selection for Appointment to the Posts of Assistant Teachers for Upper Primary Level of Classes [except Work Education and Physical Education], Classes XI-XII) Rules, 2025 (hereinafter referred to as the 2025 Rules) Mr. Lahiri, learned advocate appearing for the appellant submits that the Expert Committee had not considered the authentic academic publications as furnished by the appellant in support of her objection. The Rules provide that the suggestions/objections, as submitted, would be considered and dealt with by the Expert Committee. For such purpose, there has to be an application of mind on the part of the Expert Committee, however, the appellant's claim has been mechanically rejected.

Mr. Lahiri has also drawn our attention to the grievance details against '*uploaded answer key*' as well as a communication of the Commission with a Member of the Expert Body. The said documents are annexed at pages 412 and 414 of the stay application. He contends that it would be explicit from the said documents that the Expert Committee has only acted on the basis of majority of the objections, as filed. The same had been a mere arithmetical exercise without reflection of any application of mind.

Such infirmity in the decision making process as urged, was glossed over by the learned single Judge and no finding was returned.

Answering our query Mr. Lahiri submits that in spite of having not being awarded full marks in question nos. 32 and 51, the appellant has come within the zone of consideration and would be called for counselling which has been scheduled on 25th March, 2025. In the event the appellant succeeds and appropriate marks are awarded pertaining to the above questions, she would be in a position to avail a better vacancy nearer to her residence at the time of counselling.

Mr. Lahiri further submits that there has been an error in the decision making process and the decision of the Expert Committee, as annexed at page 415 of the stay application, would clearly reveal that there had been no application of mind whatsoever and the decision of the Expert Committee is a cryptic one and not supported with reasons. In the said conspectus, the learned single Judge ought not to have refused to exercise discretion in favour of the appellant.

Mr. Bhattacharya, learned advocate appearing for the Commission, however, denies and disputes the contention of the appellant and submits that the objections raised by the appellant were duly considered by the Expert Committee and such decision has been accepted by the Central Commission and is binding upon all the applicants.

He contends that the Rule itself provides that the decision of the Expert Committee shall be accepted by the Central Commission and shall be binding upon all including all applicants. The said Rules are not under challenge and a decision taken in consonance with the Rules has rightly not been interfered with by the learned single Judge.

We have heard the learned advocates appearing for the respective parties and considered the materials on record.

An appellate power interferes not when the order appealed is not right but only when it is clearly wrong. Indisputably, the appellant on the basis of the result in the written test has come within the zone of consideration to participate in the counselling to choose an appropriate vacancy for appointment. The 2025 Rules particularly Rule 11 (v) and (vi) provide for submission of suggestions and objections supported by at least two authentic academic publications with a further provision that the decision of the Expert Committee shall be accepted by the Central Commission and shall be binding upon all, including all applicants. Prior to participation, the appellant was aware that the decision of the Expert Committee would be binding upon her. A competitive examination was being held with lakhs of examinees and the Expert Committee was not found to have acted discriminatorily. In the said conspectus, the learned single Judge refused to exercise discretion in favour of the appellant.

The learned single Judge upon dealing with the factual aspects arrived at specific findings and we do find any blatant error in the same warranting interference in the appeal.

Accordingly, the appeal and the connected application are dismissed.

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

All parties shall act on the server copies of this order duly downloaded from the official website of this court.

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