

WPA 2075 of 2022
(CAN 1 of 2025)
Biman Chandra Majhi & Ors.
-vs-
State of West Bengal & Ors.

21.5.2025
Sl.27.ct.25 sk

Mr. Ekramul Bari
Sk. Imtiaz Uddin
...for the petitioner.
Mr. Supriya Chattopadhyay,Ld. AGP
Ms. Sayantanee Bhattacharjee
...for the State
Dr. Sutanu Kr. Patra
Ms. Supriya Dubey
...for the WBCSSC

Ms. Koyeli Bhattacharyya
Mr. Bibek Dutta
Ms. Keya Panja
...for the WBBSE.

1. Letter has been issued by the Commissioner of School Education, West Bengal to the President, West Bengal Board of Secondary Education on 19th December, 2024 directing the Board to proceed with the recruitment process for appointment of 391 Assistant Teachers in upper primary schools in Santali medium.
2. The instant application being CAN 1 of 2025, has been filed by the petitioners who are the recommended candidates in the previously held recruitment process for the said posts.
3. Amongst the petitioners, petitioner nos. 18 and 20 have now been appointed. Hence, they do not press

this matter any further. The writ petition stands disposed of as regards those petitioners.

4. The petitioners' contention, in a nut-shell, is that recommendation of their names vide the panel of successful candidates by the West Bengal Central School Service Commission has been negated by the respondent Board, for the reason that on the date of submission of application, the petitioners were not qualified appropriately in Santali language.
5. Mr. Bari, learned advocate for the petitioners has stated that later on petitioners have upgraded their qualifications in Santali language.
6. Be that as it may, he has further submitted that the Board being the Appointing Authority has no power or authority under the Rules to assess the eligibility or suitability of the candidates respectively.
7. Ms. Bhattacharyya, learned advocate appearing for the Board has raised strong objection as to the contention of the writ petitioners for the reason that according to the vacancy notification, the minimum educational qualification is prescribed, which is a mandatory condition. That, the petitioners have not fulfilled the same. When the Board has discovered that, upon verifying their credentials, the Board considers them to be ineligible for being appointed, Ms. Bhattacharya has submitted.

8. Ms. Bhattachryya has categorically stated that after recommendation by the Commissioner, the Board is vested with the power to verify the documents of the petitioners and in case the petitioners being not eligible, the Board is authorized also to reject their candidatures.
9. Dr. Patra, learned advocate appearing for the West Bengal Central School Service Commission has submitted that under the Special Rules for appointment of this category of teachers, the Commission is only authorized to conduct the examination and prepare the panel of eligible candidates and forward the same to the Board.
10. Since the matter is pending and ready for hearing after submission of reports by all concerned, at this juncture any steps taken pursuant to the letter of the Commissioner of School Education, West Bengal dated 19th December, 2024 may frustrate the cause of action of the petitioners and render this writ petition as infructuous.
11. For the reason as above, it is found proper that the concerned authorities be directed not to proceed with the directions contained in the letter dated 19th December, 2024.

12. The interim order as above shall remain operative till 30th June, 2025 or the disposal of the writ petition, whichever is earlier.
13. Let this matter come up for hearing on **11.6.2025 at 2-00 p.m.**

(Rai Chattopadhyay, J.)